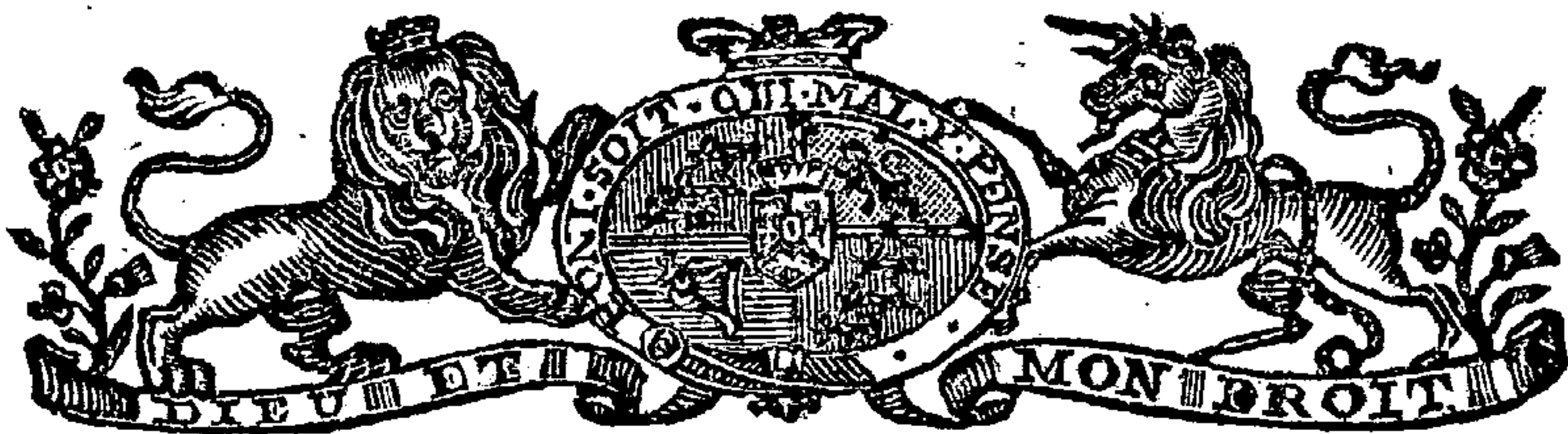




ANNO QUINQUAGESIMO TERTIO

GEORGI II. REGIS.

Cap. 19.

An Act for making and maintaining a Navigable Canal, to unite the Rivers *Wey* and *Arun*, in the Counties of *Surrey* and *Suffex*. [1st April 1813.]

WHEREAS the making and maintaining a Canal, navigable for Boats, Barges and other Vessels, from the River *Wey*, at or near to a certain Place called *Stonebridge*, in the Parish of *Shalford*, in the County of *Surrey*, to the River *Arun*, at or near to a certain Place called *Newbridge*, in the Parish of *Wisborough Green*, in the County of *Suffex*, in, to, or through the several Parishes of *Shalford*, *Bramley*, *Wonerfb*, *Dunsfold*, *Cranley*, *Hascomb* and *Alfold*, or some or one of them, in the County of *Surrey*; and also, that Part of the said Parish of *Alfold* which is situate or lying in the said County of *Suffex*, and in, to, or through the several Parishes of *Kirdford*, *Wisborough Green*, *Rudgwick*, *Billingshurst*, and *Pulborough*, in the said County of *Suffex*; would not only open a short, easy and commodious Inland Communication between the Port of *London* and the Port of *Arundel*, in the said County of *Suffex*, avoid a long circuitous and dangerous Navigation in the open Sea, and greatly facilitate the Conveyance of Goods, Wares, and Merchandize, between the said Ports and the Town and Port of *Portsmouth*, and the several other Towns, Districts or Places through or near which the said Canal is intended to be made, at a much cheaper Rate than by any other Inland Navigation which can be made; but would also tend to promote the Improvement and better Cultivation of the circumjacent Country, by the Conveyance of Manure, and would be otherwise of great

[Loc. & Per.]

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public.

Proprietors
united into a
Company;

public Utility; but such Canal cannot be made and executed without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled; and by the Authority of the same, That in order for the carrying on, making, completing, maintaining and improving of the said Canal, for the Passage of Boats, Barges, and other Vessels, according to the Rules, Orders, and Directions herein-after contained, Sir *William Kay* Baronet, *John Allen*, the Commissioners of the Port of *Arundel*, *Henry Edmund Austen*, *John Austin* Clerk, *Ann Austin*, *Charles Ball*, *John Barnes*, *James Barlow*, *Nathaniel W. Basnet*, *John Bayford*, *Thomas Black*, *Thomas Blyth*, *Joseph*

Boulderson, *John Braddick*, *Richard Henry Budd*, *Henry Burtinshaw*, *Thomas Carter* Clerk, *Thomas Champness* Clerk, *Richard Henry Clark*, *William Croughton*, *William Crutchley*, *William Currie*, *William Curteis*, *John Dalton*, *William Gabriel Davey*, *William Allan Day*, *Ross Donelly*, *Charles Dumergue*, *Charles Dumergue Junior*, *Edmund Elkins*, *William Elkins*, *Joseph Emberley*, *Charlotte Etheridge*, *James Flower*, *William Freer*, *John French*, *George John Gibson*, *John William Goss*, *John Grove*, *Frederick Gulston*, *Sophia Hales* Widow, *Sophia Hales* Spinster, *Mary Jane Hales*, *Matilda Hales*, *Samuel Harrington*, *Benjamin Harris*, *William Haydon*, *William Haydon Junior*, *Joseph Haydon*, *Richard Haydon*, *Richard Holmes*, *William Holmes*, *Thomas Hubbock*, *Jane Hughes*, *Charles Hutton*, *James Jacks*, *Abraham Jackson*, *Thomas Jackson*, *Jane Jeffries*, *Magnus Johnson*, *Matthew Irving* Clerk, *John Keate* Doctor of Divinity, *Robert Keate*, *Elizabeth Ann Keate*, *Thomas Keene*, *James Knevelt*, *Thomas Harman Laton*, *John Lane*, *John Leach*, *Samuel Alphon Leeks*, *Richard Lewin*, *James Lloyd*, *Samuel Locke* Doctor in Divinity, *George Lockley*, *Robert Lukin*, *James Mangles*, *John Mangles*, *Robert Mangles*, *William Mellish*, *William Mitford*, *Robert Moline*, *Moseley*, *Moseley*, *William Moseley*, *Alexander Muirhead*, *William Newland*, *Samuel Nicholson*, *Christopher Nockels*, *George Oliver*, *Joseph Oliver*, *George Owen*, *George Pearson Junior*, *Philip Perring*, *Thomas Piggott*, *Henry Proctor*, *Hugh Reid*, *Thomas Reid*, *Edward Richardson*, *William Roberts* Clerk, *Eleonor Roberts*, *William Russell* Clerk, *John Sharp*, *John Smallpeice*, *James Smart*, *Kennard Smith*, *Edward Smith*, *Richard Sparkes*, *William Sparkes*, *Thomas Spence*, *Sawyer Spence*, *William Stanbrough*, *William Stanbrough Junior*, *Charles Augustus Stewart* Clerk, *Robert Stewart*, *John Bird Sumner* Clerk, *George Thackeray* Clerk, *William Thomas*, *Henry Thwaites*, *Andrew Timbrell*, *Thomas Todd*, *Christopher Tuck*, *John Fulham Turner*, *Charles Hampden*

Turner, *Henry Warken*, *John Webbe Weston*, *Carey Hampton Weller*, *George Waihen*, *John Wells*, *Richard Westmacott*, *Henry Wildman*, *Jonathan Wilson*, *John Wolfe* Clerk, *Nathaniel Wright*, *Charles Yonge*, together with such other Person or Persons, Bodies Politic and Corporate, as they or the major Part of them present at any General or Special Meeting to be holden for the Purposes of this Act, shall nominate and appoint, and their several and respective Successors, Executors, Administrators, and Assigns, or such of them as shall from Time to Time be possessed of any Share or Shares in the Navigation and Undertaking hereby authorized to be made and carried on; and also such other Person or Persons as shall from Time to Time be possessed of any Share or Shares therein, shall be and they are hereby accordingly united into one Body Politic and Corporate, by the Name of "The Company of Proprietors of the *Wey* and

“ *Arun Junction Canal*;” and by that Name shall have perpetual Succession and a Common Seal; and by that Name shall and may sue and be sued; and shall also have full Power and Authority to purchase Lands, Tenements, and Hereditaments to them, their Successors and Assigns, for the Use of the said Undertaking; and also to grant, sell, or dispose of any of the Lands, Tenements, and Hereditaments to be purchased by them, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and that it shall be lawful for the said Company of Proprietors and they are hereby accordingly fully authorized and empowered, from and after the passing of this Act, by themselves or by their Deputies, Agents, Officers, Contractors, Workmen or Servants, to make and keep navigable and passable for Boats, Barges and other Vessels, a Canal from the River *Wey*, at or near to a certain Place called *Stonebridge*, in the Parish of *Shalford* in the County of *Surrey*, to the River *Arun*, at or near to a certain Place called *Newbridge*, in the Parish of *Wisborough Green*, in the County of *Suffex*, in, to, or through the several Parishes of *Shalford*, *Bramley*, *Wonerst*, *Dunsfold*, *Cranley*, *Hafcomb*, and *Halfold*, or some or one of them, in the said County of *Surrey*; and also that Part of the said Parish of *Alfold* which is situate or lying in the said County of *Suffex*, and in, to, or through the several Parishes of *Kirdford*, *Wisborough Green*, *Rudgwick*, *Billingshurst*, and *Pulborough*, in the said County of *Suffex*; and also to make and keep Reservoirs with necessary and sufficient Aqueducts, Feeders, Channels and Conveyances therefrom, in and to the said Canal, for the supplying of the same with Water in and through the several Parishes of *Ewhurst*, *Cranley*, *Albury* and *Alfold*, or some or one of them in the said County of *Surrey*; and to supply the said Canal and Reservoirs respectively, whilst the same shall be making, and at all Times for ever after the same shall be made, with Water from all such Springs as shall be found in making the same; and from all Rivers, Springs, Brooks, Streams and Watercourses whatsoever, which are or shall be found within the Distance of Two thousand Yards from any Part of the said Canal; and also from any Reservoir or Reservoirs belonging thereto to be made as herein mentioned, and for that Purpose to scour, deepen, enlarge or straiten any such Rivers, Brooks, Streams or Watercourses, or any others which may come or be brought into the same; and to make, sink, or drive such and so many Wells, Tunnels, Levels, Perforations, Feeders and Aqueducts, and to make, erect, and set up such and so many Weirs, Steam Engines and other Machines, with proper Shafts and Tunnels thereto, for supplying the said Canal and Reservoirs with Water, and for conveying Water to or from the same, any or either of them, or from the same or any of them to the other or others of them, or any Part thereof respectively, or for any other Purpose necessary for the better making and maintaining of such Canal and Works, as they the said Company of Proprietors shall from Time to Time think proper and expedient; and for the several Purposes aforesaid from Time to Time, and at all Times after the passing of this Act, to enter into and upon the Lands and Grounds of or belonging to any Person or Persons, Bodies Politic, Corporate or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Part or Parts thereof as they the said Company of Proprietors shall think necessary and proper for the making, completing, maintaining, improving, and using of the said Canal, and the other Works and Conveniences hereby authorized to be made, and there to bore, dig, cut, trench and fough,

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and

and also to remove, take, and convey away any Earth, Clay, Chalk, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things whatsoever which shall or may be dug or got in the making, or which may hinder, prevent or obstruct the making, carrying on, maintaining or repairing the said Canal, Reservoirs, or other Works respectively, or of such Feeders, Trenches, Passages, Levels, Drains, Wells, Tunnels, Aqueducts, and Watercourses as shall or may be necessary or convenient to convey Water to or from the said Canal and Reservoirs respectively, according to the true Intent and Meaning of this Act; and also as well for the carrying and conveying of all Manner of Materials necessary or intended for the making, erecting, finishing, altering, repairing, amending, widening, enlarging, or improving of the said Canal and other Works herein authorized, as also for the Purpose of the said intended Navigation, and for the carrying and conveying of Goods, Wares, Merchandize and other Things to and from the said Canal, and for the landing, loading, housing, regulating and preserving the same; and also to make, build, drive, erect and set up in or upon the said Canal, or in or upon the Lands adjoining or near thereto, such and so many Bridges, Tunnels, Soughs, Aqueducts, Sluices, Locks, Floodgates, Weirs, Banks, Dams, Pens for Water, Water Stanks, Reservoirs, Drains, Wharfs, Quays, Tollhouses, Warehouses, Watch-houses, Landing Places, Weighing Beams, Cranes, Dry Docks, Fire Engines and other Machines, Ways, Roads, Gates, Fences and Conveniences as and where they the said Company of Proprietors shall think requisite and convenient, and from Time to Time alter, repair and amend, or discontinue the same, or any or such of them, and no more, as the said Company shall from Time to Time, or at any Time hereafter, deem it expedient and useful to repair, amend, alter, or discontinue; or shall deem it unnecessary or inexpedient, or no longer necessary or expedient to repair, amend, maintain or continue for the Purpose of the said intended Navigation, and to place, lay, work or manufacture any Materials on the Lands or Grounds near to the Place or Places where the said Works, or any of them, shall be carrying on, and also from Time to Time to make, maintain, repair and alter any Fences, Roads or Passages unto, from, over, under, through, or near unto the said Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Gutters, Warehouses, and Sluices which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways for the towing, haling, or drawing of Boats, Barges, and other Vessels passing upon the said Canal, with Men, Horses, or otherwise, and such convenient Places for Boats, Barges, and other Vessels to turn, lie, or pass each other in, as the said Company of Proprietors shall think proper and expedient; and also to dig, take, and carry away any Soil, Clay, Gravel, Sand, Chalk, Flint, or Stone which shall be proper, requisite, and convenient for the making, carrying on, repairing, and maintaining of the several Works aforesaid, or any of them, in or from the Grounds of any Person or Persons adjoining or lying contiguous thereto, or within the Distance of Two thousand Yards thereof; and also to construct, erect, set up, make, and do all or any other Works, Matters, or Things whatsoever, which they shall think requisite and necessary or convenient for the making, carrying on, completing, repairing, improving, maintaining, and using of the said Canal, in pursuance and within the true Intent and Meaning of this Act; they the said Company

of

of Proprietors, and their Agents, Servants and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and repairing such Damage, either wholly, or so far forth as they shall find it practicable and expedient; or if they the said Company shall be unwilling to repair the same, then as they shall be required and directed by the Commissioners herein-after appointed; and further, from Time to Time making Satisfaction in the Manner herein-after mentioned to the Owners or Proprietors of, and the Persons interested in the Lands, Grounds, Tenements, or Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, which shall or may be taken, used, removed, diverted, prejudiced, or destroyed for the Purposes aforesaid, as well for all Damages to be by the Entry and other the aforesaid Acts of the said Company occasioned, which shall wholly continue and be sustained, as also for all the Residue of such Damages which being so as aforesaid occasioned, shall not be by them the said Company fully and wholly repaired and remedied; and this Act shall be sufficient to indemnify the said Company of Proprietors, their Deputies, Servants, Agents, Contractors, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted.

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

Power to
make inclined
Planes.

III. And whereas Maps or Plans describing the Line of the said Canal and Reservoirs, and the Lands in and through which the same are to be made and carried, together with Books of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Offices of the Clerks of the Peace for the respective Counties of *Surrey* and *Suffex*; be it therefore further enacted, That the said Maps or Plans and Books of Reference shall remain in the Custody of the respective Clerks of the Peace for the said Counties, and to the end that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Book of Reference; and that the said Company of Proprietors in making the said Canal shall not deviate more than One hundred Yards from the Line or Course thereof described in the said Maps or Plans, nor shall any such Deviation be made into or carried through the Lands of any Person not named in the said Book of Reference, without the Consent in Writing of such Person; nor shall the said Company of Proprietors make any Reservoir in any other Lands or Grounds than such as are described in the said Maps or Plans as intended for that Purpose,

Plans and
Books of
Reference to
remain with
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without

without the Consent in Writing of the respective Owners and Occupiers thereof: Provided always, that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said Canal on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Three or more of the Commissioners appointed by this Act, or any Two or more of His Majesty's Justices of the Peace acting in and for the Counties of *Surrey and Suffex*, or either of them, and be certified by Writing under their Hands respectively, that such Error or Omission proceeded from Mistake.

Width of
Canal, &c.

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

Houses, &c.
not to be
taken without
Consent.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend to 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, or any Ground which upon the First Day of *October* One thousand eight hundred and twelve, was the Scite of any House or other Building, or any Park, Avenue, planted Walk, Lawn, or Pleasure Ground, or any Yard, Garden, or Orchard, without the Consent in Writing of the respective Owners and Occupiers thereof, other than and except such as are specified in the Schedule hereunto annexed.

Where Roads
are injured
others to be
made.

VI. Provided always, and be it further enacted, That in all Cases where it shall be found necessary in making the said Canal to cut through or take, or so much to injure any Part of any Carriage or Horse Road, or Footway, either public or private, as to render the same impassable or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, the said Company of Proprietors shall, at their own Expence, before any such Road or Way shall be cut through, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road, or Footway (as the Case may require) to be set out, made, and fenced it necessary instead thereof, as convenient for Passengers and Carriages as the Road to be cut through, taken, or injured as aforesaid, or as nearly
so

so as Circumstances will permit, and shall cause the same to be put into good and substantial Order and Condition.

VII. And be it further enacted, That if in making the said Canal any Pieces or Parcels of Ground shall be cut through and divided, or separated from the other Parts of the Lands belonging to the same Owner or Owners, so as that the same cannot be conveniently occupied by him or them without a Bridge being erected for making a Communication therewith, or so that what shall be left on each or either Side of the said Canal shall be less than One Acre in Quantity, or shall be throughout the whole Length thereof less than Fifty Yards in Breadth, and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Lands 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, and if the Owner or Owners, or Person or Persons entitled to the Possession or to the Rents and Profits of the same, shall so require, but not otherwise, they the said Company of Proprietors shall also take and purchase the Piece or Parcel, or Pieces or Parcels of Ground so to be separated, or the Piece or Pieces of Ground so to be left on each or either Side of the said Canal, being less than One Acre in Quantity, or less than Fifty Yards in Breadth throughout the whole Length thereof as aforesaid, and shall pay for the same after the same Rate, and 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.

Pieces of Land separated to be purchased if required.

VIII. And be it further enacted, That after Lands, Tenements, Grounds or Hereditaments shall be set out and ascertained as aforesaid, for the making the said Canal and Reservoirs respectively, or any Wharfs, or other the several Works or Conveniences hereby authorized to be made, it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for Charities or other Purposes, Committees, Executors and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves and their respective Heirs and Successors, but also for and on the Behalf of the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on Behalf of their respective Wives and *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Persons; and to and for all Femmes Covert who are or shall be seised, possessed, or interested in their own Right; and also to and for all and every other Person and Persons whomsoever who are or shall be seised, possessed, or interested of or in any Lands, Tenements, Grounds, or Hereditaments which shall be so set out and ascertained as aforesaid, or which are by this Act authorized or directed to be taken and purchased by the said Company of Proprietors, or any Part thereof respectively; to treat and agree for the absolute Sale of, and accordingly to sell and convey unto the said Company of Proprietors all or any Part or Parts of the Lands, Tenements, Grounds or other Hereditaments which shall from Time to Time be so set out and ascertained as aforesaid, or which are by this Act directed to be taken and purchased by the said Company of Proprietors; and all such Contracts, Agreements, Sales, Conveyances and Assurances shall be valid and effectual in the Law, to all Intents and Purposes

Bodies Politic, &c. Tenants for Life, and others, empowered to sell and convey Lands for the Purposes aforesaid.

poses whatsoever, any Law, Statute, Custom or Usage to the contrary notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and other Persons so conveying as aforesaid, are hereby indemnified on account or in respect of any such Sale which he, she, or they, or any of them, shall respectively make by virtue or in pursuance of this Act; and all such Contracts, Sales, Conveyances and Assurances shall be made at the Expence of the said Company.

Lands taken or purchased by the Company, how to be conveyed.

IX. And be it further enacted, That all Conveyances and Assurances which shall be made of any Lands, Tenements, Grounds and Hereditaments to the said Company of Proprietors, shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*,

Form of Conveyance.

I Sum of of in Consideration of the
 ' tion of the annual Rent of to me paid [or, in Considera-
 ' forth yielded and paid by Two equal Half-yearly Payments on the
 ' Day of and the Day of
 ' in every Year] by the Company of Proprietors of the *Wey and Arun*
 ' Junction Canal, do hereby, in pursuance and by virtue of the Power in
 ' that Behalf contained in an Act passed in the Fifty-third Year of the
 ' Reign of His Majesty King *George* the Third, intituled, [*here insert the*
 ' *Title of this Act*] grant and release unto the said Company of Proprie-
 ' tors, all [*here insert the proper Description of the Lands or Hereditaments*
 ' *intended to be conveyed*] and all my Estate and Interest therein, to hold
 ' unto and to the Use of the said Company of Proprietors and their Suc-
 ' cessors for ever, according to the true Intent and Meaning of the said
 ' Act. In Witness whereof I have hereunto set my Hand and Seal the
 ' Day of in the Year of our Lord

And that all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law, to all Intents and Purposes, and shall be a complete Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts and Interests whatsoever.

Conveyance by Lords of Manors of Lands taken from Commons, to be sufficient.

X. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take or use for the Purposes of this Act, any Part or Parts of any Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments, which shall be charged with or subject to any Right or Rights of Common or Commons, whether of Pasture, Turbary, Estovers, Piscary, or any other Profit, Apprendre, or Easement, whether appendant, appurtenant or in gross, and whether created or then subsisting by Grant, Prescription, Custom or otherwise howsoever, the Conveyance thereof by Body Politic, Corporate, or Collegiate, or other Person or Persons having of and in the Manor wherein such Lands, Tenements, Common or Waste Ground shall be situate; or if the same shall not be the Waste of any Manor then having of and in the Soil of such Lands, Tenements, Waste, Common and Hereditaments, any such Estate or Interest in respect whereof Persons are herein-before enabled to sell and convey other Lands, Tenements, and Hereditaments; shall be a good and sufficient Conveyance to the said Company of Proprietors, for the Purpose of vesting in them the Fee Simple and Inheritance of such Waste Ground or Common, or other Lands, Tenements, or Hereditaments, as fully

fully and effectually as if every Person having such Right or Rights of Common or Commons, upon such Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and that the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid, shall be paid by the said Company of Proprietors to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such General or Public Purposes, within such Parishes respectively, as a Vestry of every such Parish to be convened by such Churchwardens for that Purpose, shall, with the Consent and Approbation in Writing of the Body Politic, Corporate, or Collegiate, Person or Persons having such Estate and Interest in such Manor, or the Soil of such Commons or Wastes as aforesaid, direct; and that in Cases where such Rights, Commons, Profits or Easements, shall be and extend over, and be enjoyed and taken out of any other Lands, Tenements, or Hereditaments than such Wastes and Commons, the Compensation shall be paid or tendered to the Person or Persons, Bodies Politic, Corporate, or Collegiate having such Estate and Interest as aforesaid in the said Rights, Commons, Profits, or Easements, or in the Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or deposited in the Bank of *England*, in Manner by this Act directed, as the Case may be; provided that in Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situated, the Conveyance by Four at least of the Freeholders, whose Estates have Common Right on such Common or Waste Ground, and whose said Estates amount in yearly Value as aforesaid, to the Poor Rates, to Three-fifths at least of the Whole of the Estates which have such Common Right, to the said Company, shall also be a good and sufficient Conveyance.

XI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, by Indenture under their Common Seal, to sell, grant, and convey by way of absolute Sale, all such of the Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be purchased by and conveyed to the said Company, as shall not be wanted for the Purposes of the said Canal and Works, or any Part or Parts thereof, for such Sum or Sums of Money as in such Conveyances shall be expressed; and that all such Grants and Conveyances shall be valid and effectual, any Thing to the contrary notwithstanding; and upon Payment of the Money which shall arise by the Sale or Sales of such Messuages, Lands, Tenements, or Hereditaments, or any Parts or Parcels thereof, it shall and may 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 the Purchaser or Purchasers for the Money for which such Premises shall be so sold), or for so much thereof as in such Receipts shall be acknowledged or expressed to be received, and such Person or Persons shall not be answerable or accountable for any Losses, Misapplication, or Non-application of such Purchase Money or any Part thereof; which said Money shall be applied by the said Company of Proprietors for the same or for the

Company empowered to resell Lands.

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like Purposes, as the Money hereby authorized to be raised is to be applied; provided that the said Company, before they shall contract for the absolute Sale and Disposal of any such Messuages, Lands, Tenements, or Hereditaments, shall first offer to resell the same to the Person or Persons from whom the said Company shall have purchased such Premises, his, her, or their Heirs, at a Price to be fixed on by the said Company; and in case such Person or Persons, his, her, or their Heirs, to whom such Offer shall be made, 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 of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such Premises shall lie, by some Person or Persons no way interested in the said Premises, stating that such Offer was made by or on Behalf of the said Company of Proprietors; and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so made; shall in all Courts whatsoever be 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.

Owners of
Lands used in
making a new
Road, to have
the first Offer
of the old
Road.

XII. Provided always, and be it further enacted, That wherever the Course of any Road or Way shall be altered in pursuance of this Act, and a new Road or Way opened and made in and upon the adjoining Land, the Offer of the Purchase of such old Road or Way shall be first made to the Owner of the Land which shall be cut and used for the Purpose of making such new Road or Way; and in case such Owner shall be desirous of becoming the Purchaser of such old Road or Way, and shall not agree with the said Company of Proprietors or their Committee, or the said Commissioners, for the Price to be paid for the Purchase of the same, then and in such Case the Value thereof shall be settled and ascertained in such and the like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled and ascertained, and such Owner shall be deemed the Purchaser thereof, at the Sum to be ascertained by a Jury; and in case such Owner shall refuse to pay such Money upon Demand made thereof by the Clerk to the said Company, and Tender of the Conveyance of such old Road or Way, the same shall and may be recovered by the said Company by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*; and in case any such Owner shall not agree or shall refuse to purchase any such old Road or Way, it shall and may be lawful to and for any Person or Persons not interested in the Premises to make an Affidavit, to be sworn before a Master Extraordinary of the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County where such old Road or Way shall lie, stating that such Offer has been made by or on Behalf of the said Company, and that such Owner has not agreed or has refused to purchase such old Road, as the Case may be; and such Affidavit shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and not agreed to, or refused by such Owner: Provided nevertheless, that if the Lands of Two or more Persons shall be taken for any such new Road or Way as aforesaid, each and every such Owner shall be entitled to the First Offer of so much of the old Road or Way as is lying immediately adjoining to his, her, or their Land, respectively, in Manner aforesaid.

XIII. Provided

XIII. Provided always, and be it enacted; That in case the Person or Persons to whom such Offers as aforesaid shall be made, shall be willing to purchase the Lands, Tenements or Hereditaments so offered to them by the said Company of Proprietors, but shall be desirous that the Price to be paid for the same shall be ascertained by the Commissioners hereinafter appointed, or by a Jury, in like Manner as the Price to be paid for Land to be taken by the said Company in pursuance of this Act, then and in such Case the Price to be paid for the same to the said Company of Proprietors shall be adjusted, settled and ascertained by the said Commissioners or a Jury, in like Manner as the Price for any Land to be taken in pursuance of this Act is hereby directed to be settled in case of Difference or Dispute as to the Value thereof.

Value of Lands sold by the Company, may be ascertained by a Jury.

XIV. And be it further enacted, That if any Contract, Agreement, Bargain or Sale of or concerning any Lands, Tenements or Hereditaments, to be purchased, taken or used by virtue of the Powers of this Act, for the Purposes thereof, shall be made or entered into of any Lands, Tenements or Hereditaments, which shall be Copyhold or of the Nature of Copyhold, the same shall be executed and completed by Surrender thereof in the Court of the Manor of which the same is or 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, Lady or Ladies of the Manor for the Time being shall be willing or desirous to enfranchise the same; in which Case such Lord or Lords, Lady or Ladies, is and are hereby empowered so to do, notwithstanding he, she or they shall be seised of or entitled to the same Manor or Manors 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 would prevent such Lord or Lords, Lady or Ladies, from receiving the Benefit of Fines, Heriots and other Services due upon Death, Descent, or Alienation, in like Manner as he, she or they would have done, in case such Copyhold Premises had continued to be the Property of Individuals, the said Lord or Lords, Lady or Ladies, of the said Manor or Manors, in case he, she or they shall decline to enfranchise the respective Parcels of Copyhold Lands, Tenements and Hereditaments, held of such Manors which shall be so purchased by or vested in the said Company for the Purposes aforesaid, 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, her, or them in respect of such Fines, Heriots or other Services, the Enjoyment of which will be diminished or lost by the vesting and continuing such Copyhold Premises in a Body Corporate; which Recompence and Satisfaction, if not settled by Agreement between the Parties, shall be ascertained and settled by the said Commissioners, or by the Verdict of a Jury, if required, as is directed by this Act.

For adjusting the Mode of settling Contracts respecting Copyhold Lands.

XV. And be it further enacted, That in all Cases where the said Company of Proprietors shall enter upon and take any Lands or Grounds with the Consent of the Proprietor thereof, and such Proprietor shall afterwards die before he or she shall execute the Conveyance thereof to the said Company, then and in such Case the Heirs, Devisees or Assigns of such Proprietor or other Possessor of the Estate from which such

As to Conveyance of Lands in certain Cases.

Lands.

Lands or Grounds shall have been taken, if capacitated, or the Husbands, Guardians, Committees or Trustees of Females Covert, Infants, Lunatics, and other *Cestuique* Trusts, shall and they are hereby authorized and required to convey such Lands or Grounds to the said Company, upon Receipt or Transfer of the Purchase Money or other Equivalent to be agreed upon for the same, or so much thereof as shall not have been paid or transferred to such deceased Person on account thereof.

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

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

Qualification of Commissioners.

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

Oath to be taken by Commissioners.

‘ I do swear, (or, being One of the People called *Quakers*,
 ‘ I do solemnly affirm) that I am truly and *bonâ fide* in the actual Posses-
 ‘ sion or Enjoyment of the Rents and Profits of Freehold or Copyhold
 ‘ Lands, Tenements or Hereditaments, or both, in the Counties of *Surrey*
 ‘ and *Sussex*, or One of them, of the clear yearly Value of One hundred
 ‘ Pounds.

‘ 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 Three 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 Com-
 ‘ missioner, by an Act made in the Fifty-third Year of the Reign of
 ‘ His Majesty King George the Third, intituled, [*Insert the Title of*
 ‘ *this Act.*]

And that no Person shall act as a Commissioner at any Meeting of Commissioners (other than and except the first Meeting to be held by virtue of this Act, and at any Adjournment thereof to be held within One Month of such First Meeting) unless he shall have taken the said Oath at some other Meeting One Month at least previous to the Time of his claiming to act as such Commissioner; and if any Person not being qualified as herein-before is mentioned, or hereby made incapable to act as a Commissioner, shall nevertheless presume to act as such in the Execution of the Powers hereby given or any of them, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds to the said Company of Proprietors, to be recovered with full Costs of Suit by Action at Law in any of His Majesty's Courts of Record at *Westminster*; and every such Person so sued or prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Plaintiff, than that such Person hath acted as a Commissioner in the Execution of the Powers given by this Act: Provided always, nevertheless, that it shall be lawful for any of the said Commissioners who are or shall be in the Commission of the Peace for the said Counties of *Surrey* and *Sussex*, or either of them, to act as Justices of the Peace in or relating to the Execution of this Act, notwithstanding their being Commissioners.

Penalty on
Persons
acting as
Commission-
ers not being
duly qualified.

Commission-
ers may never-
theless act as
Justices of the
Peace.

XVIII. And be it further enacted, That the said Commissioners shall hold their First Meeting for the Purposes of this Act in the Town of *Guildford*, in the County of *Surrey*, at such Time as they shall be thereunto required, by Notice to be given in some One Newspaper published or circulated in each of the Counties of *Surrey* and *Sussex* respectively, by Order of the Committee of Management, to be appointed as herein-after mentioned at their First Meeting; and the said Commissioners may afterwards meet from Time to Time, by Adjournment or otherwise, as they shall think necessary or proper; but no Meeting whatever (except adjourned Meetings) of the said Commissioners shall at any Time be had (except in such Cases as are herein-after otherwise ordered and provided for) unless Fourteen Days previous Notice at least, of the Time, Place, and Purpose of such intended Meeting shall be given and inserted in some Newspaper published or circulated in the County wherein such Meeting is intended to be held; and that every Meeting of the said Commissioners by virtue of this Act shall be public; and that no Act, Order or Proceeding of the said Commissioners, or any of them, in or relating to any of the Matters or Things hereby meant to be submitted to their Decision and Determination (except in such Cases as are hereby otherwise ordered and provided for) shall be valid, unless the same shall be done or made at a Meeting to be held in pursuance of this Act and of the Directions herein contained; and that all and singular the Powers and Authorities hereby given to or vested in the said

Meetings of
Commission-
ers to be pub-
lic, and No-
tice thereof
to be given.

[*Loc. & Per.*]

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Commissioners

Commissioners Powers not to be executed by less than Three.

General Meetings of Commissioners, how to be called.

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

Commissioners to determine what Sums of Money or Annual Rent

Commissioners shall and may, from Time to Time, be exercised by the Majority of the Commissioners assembled at such Meetings respectively, the whole Number present at such Meetings respectively not being less than Three; and at every such Meeting, one of the Commissioners present shall be appointed President or Chairman, who, in case of an equal Division of Voices shall have the decisive or casting Vote.

XIX. And be it further enacted, That upon Requisition to be made by the said Committee of Management, or upon Application by any Three or more Owners or Occupiers of any Grounds, Lands, Tenements or Hereditaments to be affected by the said Canal and other Works, or any of the Works hereby authorized to be made or carried on, unto the Clerk to the Company of Proprietors, to appoint a General Meeting of the said Commissioners, the said Clerk shall and is hereby required, within Fourteen Days after such Requisition or Application made to him, to give public Notice in Manner aforesaid, of a General Meeting of the said Commissioners, to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days, nor more than Twenty-eight Days from the Day on which such Requisition or Application shall be made as aforesaid; and the said Commissioners are hereby authorized and required to assemble at the Time and Place so to be appointed, in order to put this Act and the Powers and Authorities hereby given to and vested in them, into Execution, notwithstanding any previous Adjournment of the said Commissioners; and in case the Business to be transacted at any Meeting of the said Commissioners to be held in pursuance of this Act, shall not be concluded or finished on or within the Day mentioned in such Notice, then the Commissioners present at such Meeting shall and may adjourn themselves, and afterwards meet at such Time and Place as they shall think proper and expedient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then and in such Case, and from Time to Time, as often as the same shall happen, the Clerk to the said Commissioners for the Time being shall and may, by public Notice to be given in the Manner aforesaid, appoint the said Commissioners to meet at the Place where a Meeting of the said Commissioners was last appointed to be held, upon the Day Three Weeks next after the Day last appointed for such Meeting: Provided also, that every Meeting of the said Commissioners for the hearing and determining of any Complaint, Controversy, Dispute or Difference between the said Company of Proprietors and any other Person or Persons, shall be held at some Place within Fifteen Miles of the Place where or respecting which such Complaint, Dispute or Difference shall arise; and that no Business shall commence at any Meeting of the said Commissioners before Eleven of the Clock in the Forenoon, nor after Three of the Clock in the Afternoon.

XX. And be it further enacted, That it shall be lawful for the said Commissioners from Time to Time, assembled at a Meeting to be held in the Manner herein-before directed, and they are hereby fully authorized and empowered by Writing under their Hands (except in such Cases as are herein-after otherwise provided for), with the Consent of the

the Parties concerned, to determine and adjust what Sum or Sums of Money for the absolute Purchase of any Lands, Tenements, Grounds or Hereditaments which shall be set out and ascertained, or be intended to be taken or used as aforesaid, for making the said Canal and other Works, or the Towing Paths thereto, or any Part thereof respectively, or for other the Purposes herein-mentioned, or which shall be taken by the said Company of Proprietors pursuant to any of the Directions of this Act, ought in the Opinion of the said Commissioners, to be paid by the said Company of Proprietors unto the Bodies Politic, Corporate or Collegiate, or other Person or Persons respectively who shall be entitled thereto, either by an annual Rent or by a Sum in gross, at the Election of the Bodies or Persons so entitled thereto; and also to determine and adjust what other separate and distinct Sum or Sums of Money ought, in the Opinion of them the said Commissioners, to be paid by the said Company of Proprietors as a Recompence for any Damages which shall or may at any Time or Times before such Meeting, have been sustained by any Bodies Politic, Corporate or Collegiate, or by the Proprietor, Occupier or other Person for the Time being, seised of or interested in a certain ancient Corn or Grist Mill called *Rowner Mill*, with the Water thereto belonging, situate at *Pulborough* in the said County of *Sussex*, now in the Occupation of *James Carter*, as Tenant to Sir *Harry Goring* Baronet, the present Proprietor thereof, or other Person or Persons respectively, being Owners of or interested in any Lands, Grounds, Tenements, Waters or Hereditaments, and for the future temporary or perpetual Continuance of any recurring Damages to be by such Bodies and Persons thereafter sustained, which shall before such Meeting have been only in Part obviated, repaired or remedied by the said Company of Proprietors, and shall have been by them occasioned for or by reason of the severing or dividing the same Lands, Grounds, Tenements, Waters or Hereditaments; or by reason of the making, repairing or maintaining of the said Canal and Towing Paths, or any of the Reservoirs, Aqueducts, Feeders, Drains, Back Drains, Trenches, Passages, Gutters, Watercourses, Roads, Ways, Sluices or other Works hereby authorized to be made and carried on and maintained; or by reason or means of the flowing, leaking or oozing of the Water over or through the Banks of the said Canal, Reservoirs, Aqueducts, Feeders, Drains, Trenches, Passages, Gutters and Sluices, or any of them, or of the supplying the same or any of them with Water; or by not cleansing the said Watercourses, Trenches, and Passages, or by turning or diverting any Streams or Brooks into the same or any of them; or by reason or means of the Execution of any of the Powers hereby given to the said Company of Proprietors or their Agents, Workmen or Servants in case such annual Rent or Sum in gross, or such Damages and Recompence respectively cannot be settled, adjusted and agreed upon, by and between the said Company of Proprietors and the Owners of or Persons entitled in such Lands, Grounds, Tenements, Waters or Hereditaments as aforesaid.

XXI. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable the said Company of Proprietors, or the Commissioners acting under this Act, to make Satisfaction and Compensation for the Purchase of any Lands, Tenements or Hereditaments to be taken or made use of for the Purposes of this Act, or for any Damages done in the Execution thereof, to any Person or Persons, Body or Bodies Politic, Corporate or Collegiate whatsoever, by Satisfaction not to be made by the Company by way of Annual Rent, to any Persons except Spiritual Persons.

by any annual Rent or Rents, save and except to Spiritual Persons and their Lessees, as herein-after is mentioned.

In case the Parties refuse to submit to the Determination of the Commissioners, and in certain other Cases, a Jury may be summoned.

XXII. And be it further enacted, That if the said Company of Proprietors, or their Committee of Management for the Time being, or if any such Body Politic, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, for and on Behalf of himself, herself or themselves, or for and on Behalf of the respective *Cestuique* Trusts, or of the Person or Persons entitled in Remainder after them as aforesaid, shall refuse to submit such Compensation or Recompence as aforesaid, to the Determination of the said Commissioners, or shall be dissatisfied with their Determination respecting the same, and of such Dissatisfaction shall, within Twenty-one Days next after such Determination, give Notice to the Commissioners making such Determination; or if any such Body Politic, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons entitled or interested as aforesaid, shall refuse to receive, upon due Tender thereof, such Purchase Money or annual Rent, or such Recompence as shall be so adjusted and determined to be paid as aforesaid, or shall for the Space of Twenty-one Days next after Notice in Writing shall be given to the principal Officer or Officers of such Body Politic, Corporate or Collegiate, or to such Trustee or Trustees, or other Person or Persons respectively, or left at his, her or their usual or last Place or Places of Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands, Grounds, Tenements or Hereditaments respectively as aforesaid, neglect or refuse to treat, or shall not agree with the said Company of Proprietors concerning the same; or shall by reason of Absence be prevented from treating, or shall by reason of Non-age or other Impediment, not provided for by this Act, be incapable of treating or making such Agreements as shall be expedient for enabling the said Company to proceed in the making and carrying on of the said Canal, and other the Works aforesaid; then and in any or either of the said several Cases the said Commissioners, or any Three of them, although not assembled at any Meeting to be holden in Manner herein-before mentioned, upon Application made to them, either by the Principal Clerk of the said Company of Proprietors, or by any other Person or Persons interested as aforesaid, are hereby empowered and required from Time to Time, to issue a Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County wherein such Lands, Grounds, Tenements, or Hereditaments as aforesaid are situated, or in which the Matter or Question in Dispute shall arise; or in case such Sheriff or his Under Sheriff shall happen to be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter in Question, then to any one of the Coroners of the same County, not interested as aforesaid; or if all the Coroners shall be so interested, then to the last Person then in being who filled the Office of Sheriff of the same County, and who shall not be interested as aforesaid, commanding such Sheriff or Coroner, or other Person, to impanel, summon, and return, and the said Sheriff, Coroner, or other Person is hereby accordingly authorized, empowered, and required to impanel, summon, and return a Jury of Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for the Trial of Issues joined in His Majesty's Courts of Record at *Westminster*, to appear before the said Commissioners, or such of them as shall be assembled at such Time and Place as in such Warrant

or

or Warrants shall be appointed, not being less than Nine nor more than Twenty-one Days after such Warrant or Warrants shall be served upon the said Sheriff, Coroner or other Person as aforesaid; and the Clerk of the said Company for the Time being is hereby also required forthwith, by such public Notice as herein-before mentioned, to call a Meeting of the said Commissioners, at the same Time and Place mentioned in such Warrant; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner, or other Person, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners, or any Three or more of them, although not assembled at such Meeting as aforesaid, are hereby empowered also to summon and call before the Commissioners to be so assembled, or before the said Jury (as the Case may be) all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in Question; and the said Commissioners, or any Three of them, although not so assembled, shall and may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matter in Controversy; and such Jury, upon their Oaths (or, being of the Society of Persons called *Quakers*, upon their solemn Affirmations) which Oaths and solemn Affirmations as well as the Oaths and solemn Affirmations to such Person or Persons as shall be called upon to give Evidence, any Three such Commissioners are hereby empowered to administer, shall enquire of, assess, and ascertain the Sum or Sums of Money or annual Rent or Rents to be paid for the Purchase of such Lands, Grounds, Tenements, or Hereditaments as aforesaid, and also what other separate and distinct Sum or Sums of Money shall be paid by way of Recompence, whether for the Damages which shall or may before that Time have been so sustained as aforesaid, as for the future, temporary or perpetual Continuance of any recurring Damages which shall have been so occasioned as aforesaid, and the Cause or Occasion of which shall have been only in Part obviated, repaired, or remedied by the said Company of Proprietors, and which can or will be no further obviated, repaired, or remedied by them; and the said Commissioners, so to be assembled, shall accordingly give Judgment for such Purchase Money, Rent, or Recompence as shall be assessed by such Jury; which said Verdict, and the Judgment to be thereupon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes, against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever.

Witnesses
may be sum-
moned.

XXIII. And be it further enacted, That if any such Sheriff or his Deputy, or any such Coroner or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person, so to be summoned and returned upon any such Jury as aforesaid, shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person so to be summoned to give Evidence as aforesaid, shall not appear, or appearing shall refuse to be sworn, examined or to give Evidence, then and in such Case the Party on whose Be-

Penalty upon
Sheriffs, Jury-
men, and
Witnesses,
making De-
fault.

[Loc. & Per.]

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half

half such Person was so summoned, shall and may have such and the like Remedies by Action or otherwise, so far as Circumstances will admit; against such Person, as if the Proceeding in which such Person shall be so summoned were an Action depending in any of His Majesty's Courts of Record at *Westminster*; or otherwise, every Person so offending having no reasonable Excuse to be allowed by the said Commissioners, shall, at the Election of the Party in whose Behalf such Person was so summoned, forfeit and pay for every such Offence, for the Benefit of the said Party, any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said Commissioners, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus of the Money thereby produced, after such Penalty and the Charges of such Distress and Sale shall be deducted.

Jury to be
under same
Regulations
as Juries at
Westminster.
Persons giving
false
Evidence.

XXIV. And be it further enacted, That every such Jury and Jurymen as aforesaid, shall be liable and subject to the same Regulations, Pains and Penalties, as if such Jury or Jurymen had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and that all and every Person and Persons who in any Examination to be taken by virtue of this Act, upon their Oath (or, being of the Society of Persons called *Quakers*, upon their solemn Affirmation) shall wilfully and corruptly give false Evidence before the said Commissioners, or before any Justice of the Peace, acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and 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.

Expences of
Commissioners
and Jury
by whom to
be borne.

XXV. And be it further enacted, That where the Determination of the Commissioners to be made as aforesaid shall be acquiesced in by both Parties concerned, then and in such Case if the Determination shall be made for more Money to be paid as a Recompence or Satisfaction for any Lands, Grounds, Hereditaments or Property, or for any Damage which may be done to any Lands, Grounds, Hereditaments, or Property whatsoever, than shall have been previously offered or tendered by or on the Behalf of the said Company of Proprietors, or if no such Recompence or Satisfaction shall have been offered or tendered by them or on their Behalf, to the Person or Persons competent to accept and take the same, all the Expences of the calling and meeting of such Commissioners shall be defrayed by the said Company; but if the Determination shall not be made for more Money than shall have been previously offered or tendered by the said Company as aforesaid, the Expences of calling and meeting of such Commissioners, or so much thereof as the said Commissioners shall judge reasonable or proper, shall be defrayed by the Person or Persons with whom the said Company shall have had such Controversy or Dispute; and where either of the Parties concerned shall refuse to submit any such Matter as aforesaid to the Determination of the said Commissioners, or shall be dissatisfied with their Determination therein, and give Notice of such Dissatisfaction as aforesaid, then and in every such Case, if the Verdict of the Jury shall be given for more Money to be paid as a Recompence or Satisfaction as aforesaid, than shall have been previously offered or tendered by or on the Behalf of the said Company, or determined by the said Commissioners, as the Case shall be, or if no such Recompence

compence or Satisfaction shall have been tendered by them or on their Behalf, to the Person or Persons competent to accept and take the same, all the Expences of the calling and meeting of such Commissioners, summoning such Jury and taking the Inquest, shall be defrayed by the said Company; but if the Verdict of the Jury shall not be given for more Money than shall have been previously offered or tendered by the said Company as aforesaid, or determined by the said Commissioners, as the Case shall be, the Expences of the calling and meeting of such Commissioners, summoning such Jury and taking the Inquest, or so much thereof as the said Commissioners shall adjudge reasonable and proper, shall be defrayed by the Person or Persons with whom the said Company shall have had such Controversy or Dispute; and all such Expences as aforesaid shall be settled by the said Commissioners present at such Meeting respectively; and in all Cases where the whole of such Expences shall not be directed by the said Commissioners to be paid by such Person or Persons as aforesaid, the Remainder shall be paid by the said Company of Proprietors; and the Expences which are herein-before directed to be paid by the Person or Persons with whom the said Company shall have had any Controversy or Dispute, shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid, as so much Money advanced to and for his, her, or their Use; and the Payment or Tender of the Remainder of the Money so to be determined or adjudged, shall be deemed and taken, to all Intents and Purposes whatsoever, to be a good Payment or Tender in Satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence or otherwise, any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company of Proprietors.

XXVI. And be it further enacted, That all and every Person and Persons with whom the said Company shall have such Controversy or Dispute as aforesaid, and who shall refuse to submit any such Matter as aforesaid to the Determination of the said Commissioners, or shall be dissatisfied with their Determination thereof, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, first enter into a Bond to the Treasurer or Treasurers to the said Company for the Time being, in the Penalty of Fifty Pounds, or in such other Penalty as the said Commissioners shall appoint, not exceeding the Sum of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Expences of the calling and meeting of such Commissioners, of summoning such Jury, and taking such Inquest, in case such Costs and Expences shall fall upon him, her, or them; to be paid according to the true Intent and Meaning of this Act.

Persons requesting a Jury, to enter into a Bond to prosecute.

XXVII. And be it further enacted, That the said Commissioners, or any of them, shall not be obliged by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained as aforesaid, unless such supposed Injury or Damage shall have commenced and been sustained within the Space of Six Calendar Months next before the Time when Application shall first be made in relation thereto, by or on Behalf of such Person or Persons to the said Company of Proprietors, or to their principal Clerk.

Notice of Injury or Damage to be given to the Company, before Complaint made to the Commissioners.

XXVIII. And

What Satisfaction to be made for Tythes.

XXVIII. 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* One thousand eight hundred and eight, and ending at *Michaelmas* One thousand eight hundred and twelve; such average Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any 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.

Compensation for the Land taken on Vatchery Farm, to be by an annual Rent.

XXIX. Provided always, and be it further enacted, That the Compensation to be made for the Land to be used for the making of any Reservoir or other Works upon the Farm or Lands called *Vatchery*, situate in the Parish of *Cranley*, in the County of *Surrey*, and belonging to *Thomas Lowndes* Esquire, shall be either by a Sum in Gross, or by such perpetual annual Rent as shall be agreed upon between the said *Thomas Lowndes*, his Heirs or Assigns, and the said Company of Proprietors, at the Option of the said *Thomas Lowndes*, his Heirs or Assigns only; any Thing herein contained to the contrary notwithstanding; and in case the said Company of Proprietors and the said *Thomas Lowndes*, his Heirs or Assigns, shall not agree with respect to the Amount of such Sum in Gross, or such annual Rent, the same shall be settled and determined by a Jury, in Manner herein-before directed with respect to the Value of Land to be used for the making of the said Canal; and the Expences of the Jury and Witnesses shall be paid and defrayed in like Manner.

Proceedings of the Commissioners to be entered in a Book.

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

Clerks to Commissioners how to be appointed.

Persons, and give Notice thereof unto the said Commissioners, from whom such Notice in Writing shall be received; and the said Commissioners shall and may appoint one of the said Five last-mentioned Persons to be the Clerk to the said Commissioners; and every such Clerk shall be paid for his Care, Expence and Trouble in the Execution of his Office, by the said Company of Proprietors.

XXXI. And be it further enacted, That upon Payment of such Sum or Sums of Money in gross, or giving Security, which shall be approved of by the Commissioners for the Payment of such Annual Rent or Rents which shall be so contracted and agreed for between the Parties, or determined and adjusted by the said Commissioners, or assessed by a Jury as aforesaid, for the Purchase of any such Lands, Grounds, Tenements or Hereditaments as aforesaid, to the Owner or Owners thereof, or other Person or Persons entitled to receive such Money or Rent respectively, or upon legal Tender of such Money, or tender of such Security respectively, to such Owner or Owners or other Person or Persons, or to the principal Officer or Officers of any Body Politic, Corporate or Collegiate, at any Time after such Money or Rent shall have been so agreed for, determined or assessed, or if such Owners or other Persons cannot be found or ascertained, or shall refuse to accept such Money or the Security for such Rent, or in case it doth not appear to whom the same ought to be paid or given, then upon Payment of the said Sum or Sums of Money into the Bank of *England*, as herein-after directed and required, for the Use of the Person or Persons entitled thereto, but not before, it shall be lawful for the said Company of Proprietors, and their Agents, Servants and Workmen, immediately to enter into and upon such Lands, Grounds, Tenements and Hereditaments respectively, and to dig, cut, trench, fough and remove Earth, Stones, Rubbish, Trees, Roots of Trees and other Obstructions, and do all other Matters and Things necessary and proper for the making, using, maintaining and repairing of the said Canal, and the Towing Paths on the Sides thereof, and other the Works and Conveniences aforesaid, in or upon such Lands, Grounds, Tenements or Hereditaments respectively; and thereupon to make, erect, carry on, complete, repair and maintain the said Canal, Towing Paths and other Works and Conveniences respectively, as they the said Company of Proprietors shall think fit; and to have, use and enjoy such Lands, Grounds, Tenements or Hereditaments respectively, to and for their own Use and Benefit for the Purposes of the said Canal and other Works, save and except as hereafter mentioned.

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

XXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be deemed or construed to extend to authorize and empower the said Company of Proprietors to break down, remove or take away the Pale or Fence round the Park or Lands of the Right Honourable *William Lord Grantley*, in the Parish of *Bramley* aforesaid, until the said Company of Proprietors, their Agents, Officers, Workmen or Servants shall have marked out the Line of the said Canal, as now laid down in the Map or Plan thereof, through and over the said Park and Lands of the said *William Lord Grantley*, in the Parish of *Bramley* aforesaid, and at their own Costs and Charges have put up and erected a Wall or other good and sufficient Fence of Oak Pales and Rails, of the Height of

Restraining the Company from taking down the Fences upon the Lands of Lord Grantley until new ones are put up.

[Loc. & Per.]

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Six

Six Feet at the least between the said Lands of the said *William Lord Grantley* and the said Canal, and also to continue the said Paling along the present Boundary of the Park of the said *William Lord Grantley*, to the Place where the *Bramley* Mill Stream falls into the old River; and also that they the said Company of Proprietors shall and do at their like Costs and Charges, from Time to Time, maintain and keep that Part of the Wall or Fence between the said Canal and Lord *Grantley's* Park in good and sufficient Repair; and also shall and do make the Towing Path of the said Canal on the West Side thereof, on the Lands of the said *William Lord Grantley*, in the Parish of *Bramley* aforesaid.

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

XXXIII. And be it further enacted, That all Determinations of the said Commissioners which shall be submitted to and acquiesced in by the Parties concerned, and also the Verdicts of the Juries, and the Judgments of the said Commissioners thereon as aforesaid, shall with all convenient Speed be transmitted to and shall be kept by the Clerk of the Peace for the County or Counties in which the Lands or Hereditaments are situated, respecting which such Determinations, Verdicts and Judgments respectively shall be made or given, amongst the Records of the Quarter Sessions of such County, and shall be deemed Records to all Intents and Purposes; and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have free Liberty to inspect the same, paying for each Inspection the Sum of One Shilling, and also to take Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words; and that immediately after the Payment of such Sum or Sums of Money in gross, or the Delivery of such Security for the Payment of such annual Rent or Rents as aforesaid; and after such Determinations, Verdicts and Judgments of such Commissioners and Juries shall be transmitted to such Clerk of the Peace as aforesaid, the Lands, Tenements, Grounds or Hereditaments so purchased, and concerning which such Determinations, Verdicts and Judgments shall be made and given as aforesaid, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim and Demand at Law or in Equity of the Person or Persons for whose Use such Money or Rent shall be paid or secured as aforesaid, in, to and out of the same; and also the Fee Simple and Inheritance thereof, shall vest in the said Company of Proprietors; and they shall be deemed in Law to be in the actual Possession and Seisin thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate or Interest therein had actually conveyed the same to them by any legal Conveyance whatsoever; and such Payment or Security shall not only bar all Right, Title, Interest, Claim and Demand of the Person or Persons to or for whose Use the same shall be made or given, but also shall bar the Dower of the Wife of every such Person respectively, and all Estates Tail, and other Estates and Interest, in Possession, Remainder or otherwise, against the Issue of such Person or Persons, and against all Infants, Females Covert, and all and every other Person and Persons whomsoever, having or claiming any Right, Title, Estate or Interest therein, either in Law or in Equity.

Commissioners to settle Proportion of Purchase

XXXIV. And be it further enacted, That the said Commissioners and the said Jury shall and are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages

Damages which shall be so agreed for, determined and adjusted, or assessed in Manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term or Interest in the Premises, for such his, her or their Interest or respective Interests therein.

Money where
different
Interests.

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

The Com-
pany may pay
Purchase
Monies to
Mortgagees
of the Lands
purchased, if
required.

XXXVI. Provided always, and be it further enacted, That no Sum or Sums of Money so lent and advanced on Mortgage, shall be paid off and discharged by the said Company of Proprietors (save and except with the Consent of the Mortgagee or Mortgagees) unless Six Calendar Months previous Notice under the Hand of the principal Clerk of the said Company of Proprietors shall have been given to such Mortgagee or Mortgagees, or left at his, her or their last or usual Place of Abode, of such Intention to pay off and discharge the same, or unless the said Company of Proprietors, in lieu of such last-mentioned Notice, shall pay to the said Mortgagee or Mortgagees Six Calendar Months Interest of the Money so intended to be paid off, in Addition to the Interest then due to the said Mortgagee or Mortgagees in respect thereof.

Mortgages
not to be paid
off without
Notice.

XXXVII. And be it further enacted, That in Default or Refusal of Payment by the said Company of Proprietors of such Sum or Sums of Money, and at such Times and in such Manner as shall be agreed upon, awarded or assessed, as herein-before is mentioned, as a Recompence for any Damages to be done in Exercise of the Powers hereby given, it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Writing under their Hands, to appoint One or more Person or Persons, from whom the said Commissioners so assembled shall take a proper Security, to collect and receive the Tolls, Rates and Duties by this Act imposed, or any of them, and thereout in the first Place to pay all such Damages so to be agreed upon, awarded or assessed as aforesaid, and the Costs (if any) occasioned by such Default or Refusal of Payment thereof, together with legal Interest for the same, to be computed from the

Monies to be
paid for Da-
mage of any
Kind how to
be recovered.

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

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

XXXVIII. And be it further enacted, That all and every such annual Rent and Rents as shall be agreed on or settled and ascertained to be paid for any Lands, Grounds or Hereditaments, which shall or may be taken for the Purposes or pursuant to the Directions of this Act as aforesaid, shall be charged on the Tolls, Rates or Duties herein-after granted to the said Company of Proprietors, and shall be paid by the said Company of Proprietors, as the same shall become due and payable; and in case any such annual Rent or Rents, or any Part thereof, shall be in Arrear and unpaid for the Space of Thirty Days next after the same shall respectively become due and payable, it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Writing under their Hands, to appoint One or more Person or Persons to collect and receive the said Tolls, Rates, or Duties, and to pay the same to the Person or Persons to whom such annual Rent or Rents so in arrear shall be due (they the said Commissioners taking such Security from every such Collector for the due and faithful Execution of his Office, as they shall judge proper and sufficient); and the Person or Persons so to be appointed shall be deemed a Collector or Collectors of the Tolls, Rates and Duties, and shall have such and the same Powers for collecting the same, as if he or they had been appointed for that Purpose by the said Company of Proprietors; and the Power and Authority of every such Collector shall continue until such annual Rent or Rents so in Arrear, with the Costs and

Charges of recovering and receiving the said Tolls, Rates, or Duties shall be fully satisfied and paid; or the Person or Persons to whom such annual Rent or Rents shall be due, shall and may sue for and recover the same, with Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*; or otherwise it shall be lawful for such Person or Persons, and he and they is and are hereby empowered to seize and distrain any Boats, Barges, or Vessels, or other Goods and Effects of the said Company of Proprietors which shall be found on the said Canal, or in, upon, or about the Wharfs, Quays, Warehouses, or other Works belonging to the said Company of Proprietors, and to detain the same until Payment of such Rent or Rents, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Six Days after the same shall be taken, and Notice thereof given in Writing, by affixing such Notice on some public Place at any of the Wharfs, Quays, or Toll Houses belonging to the said Company of Proprietors, then such Boats, Barges, or Vessels, or other Goods or Effects so distrained, shall and may be appraised and sold in such Manner as the Law directs in Cases of Distress for Rent.

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

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

XL. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements or Hereditaments purchased, taken or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, 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 said Company of Proprietors, 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 Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Parts 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 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 or 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;

Application of Money paid for Compensation when amounting to or exceeding 200l.

[*Lac. & Per.*]

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and

and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the said 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 Lands, Tenements or Hereditaments, so hereby directed to be purchased in case such Purchase or Settlement were made.

When less
than 200l.
and exceed-
ing 20l.

XXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or 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 so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, 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 the 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 or more of the Committee of the said Company of Proprietors, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; in order that such Principal Monies, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

When less
than 20l.

XLII. Provided also, and be it further enacted, That when such Money, so agreed or awarded to be paid as last before mentioned shall be less than 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 Lands, Tenements, or Hereditaments, so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners or any Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Titles, &c.

XLIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises to the Satisfaction of the said

Company

Company of Proprietors; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if the Person or Persons entitled to such Lands, Tenements or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements or Hereditaments [describing them], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XLIV. Provided always, and be it 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, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, 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.

XLV. Provided also, and be it enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase

In case of disputed Titles, the Person in Possession to be deemed lawfully entitled.

Court of Chancery may order reasonable Expences of Purchases to be paid.

Purchase of other Lands, Tenements or Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all 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, out of the Monies to be received by virtue of this Act; who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

Gates and
Stiles to be
erected on the
Towing
Paths;

and Bridges
to be erected
by the Com-
pany.

XLVI. And be it further enacted, That the said Company of Proprietors shall when required so to do, by the Owners or Occupiers of the Lands through and over which the same shall extend and pass, by Writing under their, his, or her Hands or Hand respectively, to be delivered to or left at the last usual Place of Abode of the Principal Clerk of the said Company of Proprietors, at their own proper Costs and Charges, divide and separate, and keep constantly divided and separated, the Towing Paths on the Sides of the said Canal, and the several Trenches, Feeders, and Aqueducts, to be made by virtue of this Act, or such and so many or such Part or Parts of such Trenches, Feeders and Aqueducts to be made by virtue of this Act, or such and so many, or such Part or Parts of such Trenches, Feeders, and Aqueducts respectively (in case of any Dispute about the same), as shall by the said Commissioners be thought necessary to be divided and separated from the Lands or Grounds adjoining to such Towing Paths, Trenches, Feeders and Aqueducts respectively, with good and sufficient Posts, Rails, Hedges, Ditches or other Fences, to be set or made on the Lands or Grounds which shall be purchased by, or conveyed to, or vested in the said Company of Proprietors as aforesaid; and shall from Time to Time repair, maintain and support the said Towing Paths, Posts, Rails, Hedges, Ditches and Fences, so to be made or set up as aforesaid; and the said Company of Proprietors shall also, at their own Costs and Charges, make, erect and set up, and from Time to Time maintain, support and keep in good Repair, such and so many convenient Gates and Stiles, upon and across the said Towing Paths, and in and through the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid; and also such good and sufficient Fences around the Shafts or Pits that shall be made in any Tunnel or Tunnels of the said Canal; and also such and so many convenient Bridges, Arches, Culverts, Passages and Roads, over, under, or by the Side of the said Canal, and the Feeders, Trenches, Levels and Watercourses communicating therewith respectively, at such Places, and of such Dimensions, and in such Manner as the said Commissioners shall from Time to Time judge necessary and appoint (in case there shall be any Dispute about the same), for the Use of the Owners and Occupiers of the Lands, Grounds, or Hereditaments adjoining to such Canal, Trenches, Feeders, Watercourses and Towing Paths respectively, and of all Persons who now have, or may hereafter have a Right of Way over or through the Lands or Grounds which shall be used for making the said Canal, Trenches, Feeders, Watercourses, and Towing Paths, or any of them respectively; and that the said Company of Proprietors shall not make or carry the said Canal, or any Feeder, Trench or Watercourse in or across any Highway, Public or Bridle Way, or Foot Path, until such Time as they shall, at their own proper Charges, have made and perfected such Bridge or Bridges, Arch or Arches, or other convenient Passages over or under the Places where the said Canal, Feeders, Trenches

Commissioners, and they are hereby required by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, which shall be found in or upon the said Canal, or the Wharfs, Quays, or Warehouses belonging to the said Company, to and for the Use of the Person and Persons who shall have incurred or sustained such Costs and Charges, rendering to the said Company of Proprietors, or to some or One of their Agents or Collectors, the Overplus (if any) after deducting the reasonable Charges and Expences of making such Distress and Sale, to be settled also by the said Commissioners; or otherwise the Person or Persons who shall have expended, incurred or sustained such Costs and Charges, shall and may sue for and recover the same against the said Company of Proprietors, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Canal to be kept divided from Lands.

XLVIII. And be it further enacted, That the said Company of Proprietors shall at their own Costs and Charges, divide and separate, and keep constantly divided and separated, the Sides of the said Canal opposite the Towing Path from the adjoining Lands and Premises, in such Manner and at such Places only as the said Commissioners may from Time to Time order and direct, and from Time to Time maintain, support, and keep the Fences so directed to be made for the Purposes aforesaid in good and sufficient Repair.

The Company to make proper Watering Places for Cattle, &c.

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

Costs and Charges attending the same (to be settled and allowed by the said Commissioners) shall be repaid to the Person or Persons who shall have expended, incurred or sustained such Costs and Charges by the said Company of Proprietors, within the Space of Twenty-one Days next after the same shall have been so settled and allowed, and an Account and Demand thereof shall have been delivered and made to and from the principal Clerk to the said Company of Proprietors; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the same shall and may be levied or recovered in such and the same Manner as the Costs and Charges herein-before mentioned, are directed to be levied or recovered.

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

LI. And be it further enacted, That before any Clay, Gravel, Sand, Rubbish or other Materials (except Soil to be dug up or gotten in the cutting or making of the said Canal, Reservoirs, and other Works, and which shall not be used or be intended to be used in or about the same) shall be laid upon any Land adjoining or near thereto, all the Soil of such adjoining Land, to the Depth of Nine Inches at the least, shall be taken off and removed; and the same, together with the Soil which shall in like Manner be taken off and removed from the Land to be used for the said Canal, Reservoirs, and other Works, shall be laid in Heaps, distinct and apart from such Clay, Gravel, Rubbish, and other Materials, upon some convenient Part or Parts of such adjoining Lands; and that the said Clay, Gravel, Sand, Rubbish, and other Materials (except as aforesaid) shall as soon as may be, in a proper and Husband-like Manner be spread abroad and levelled upon such Part of such adjoining Land from whence the Soil shall

Owners and
Occupiers of
Lands may
erect Bridges,
&c.

The Com-
pany to
spread abroad
and level
Clay, Gravel,
Rubbish, &c.
on adjoining
Lands; and
then cover
same with the
Soil which
shall be first
taken off for
that Purpose.

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

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

LII. And be it further enacted, That the said Company of Proprietors shall at their own Expence, well and effectually puddle the Sides of the said Canal and Reservoirs respectively, at all Places wherever it shall be necessary so to do, so as to prevent as much as possible the Water from oozing through such Sides, to the Detriment and Injury of the Lands or Grounds lying below the said Canal and Reservoirs respectively.

The Company to make Drains to convey Water from the adjoining Lands, and keep the same clean.

LIII. And be it further enacted, That the said Company of Proprietors shall also, at their own proper Costs and Charges, make or cause to be made such Arches, Tunnels, Culverts, Drains or other Passages over, under, by the Side of or into the said Canal, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof, of such Depth, Breadth, and Dimensions as shall be sufficient

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

LIV. And be it further enacted, That if at any Time hereafter the Ditches, Drains or Watercourses belonging to the Owner or Occupier of any Lands adjoining or contiguous to the said Canal, shall not be sufficiently open for the free Passage of the Water from the Drains, Tunnels, Culverts and Watercourses belonging to the said Company of Proprietors, and the same shall not be remedied within One Calendar Month after Notice in Writing for that Purpose shall be given to such Owner or Occupier, or left at his or her usual Place of Abode, by the principal Clerk to the said Company of Proprietors, it shall be lawful

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

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for the said Company of Proprietors, having an Order in Writing for that Purpose from the said Commissioners, from Time to Time, as often as there shall be Occasion, to order, cause and procure such Ditches, Drains and Watercourses as aforesaid, to be opened and cleaned in such Manner as may be necessary or expedient, and the reasonable Expences thereof (to be ascertained and allowed by the said Commissioners) shall be repaid to the said Company of Proprietors by such Owner or Occupier as aforesaid; and in case of Refusal to pay the same for the Space of Twenty-one Days after Demand thereof, the same shall and may be recovered in such Manner as any Penalties are by this Act directed to be recovered.

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

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

Compensation in case of Floods.

LVI. Provided always, and be it enacted, That the said Company of Proprietors shall make ample and full Satisfaction and Compensation to the Owners and Occupiers of any Lands, Hereditaments and Premises that may be prejudiced or damaged by reason of any Floods or Accidents happening by reason or in consequence of the making of the said Canal and other Works, for all such Damage or Loss which they may respectively sustain by reason of any such Floods or Accidents so happening

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as aforefaid ; the fame to be afcertained and fettled, in cafe of Difference, in Manner aforefaid.

LVII. And to the End that the faid Company of Proprietors may be enabled to carry on the faid Undertaking, be it further enacted, That it fhall and may be lawful to and for the faid Company of Proprietors to raife and contribute among themfelves, in fuch Proportions as to them fhall feem meet and convenient, fuch Sum or Sums of Money as they fhall think neceffary for the making, carrying on and completing of the faid Canal, Refervoirs, Aqueducts, Quays, Wharfs and other Works and Conveniences hereby authorized to be made, not exceeding in the Whole the Sum of Ninety thoufand five hundred Pounds (except as herein-after is mentioned) and that the fame fhall be divided into fuch Number of Parts or Shares as herein-after directed ; and that no Perfon fubfcribing to or becoming a Proprietor in the faid Undertaking fhall become a Proprietor of lefs than One Share, and that the Money fo to be raifed as aforefaid, or a fufficient Part thereof, fhall be laid out and applied in the firft Place in Payment, Satisfaction and Discharge of the Cofts, Charges and Expences attending the obtaining and paffing of this Aét, and the making the proper Surveys, Plans and Estimates, and the doing and providing of all the Matters and Things preparatory and previous thereto ; and that all the Refidue of fuch Money fhall be applied and difpofed of for or towards the making, carrying on, completing and maintaining of the faid Canal and other Works refpectively, and for other the Purpofes of this Aét.

The Company empowered to raife 90,500l. among themfelves.

Application thereof.

LVIII. And be it further enacted, That the faid Sum of Ninety thoufand five hundred Pounds, or fuch Part thereof as fhall be fo raifed and contributed as aforefaid, fhall be divided into Nine hundred and five equal Shares, and that fuch Shares fhall be numbered in regular numerical Progreffion, and every Share fhall for ever afterwards be diftinguifhed by the Number to be appointed for the fame ; and that all fuch Shares fhall be deemed Perfonal Eftate, and be tranfmiffible as fuch, and not of the Nature of Real Eftate ; and the faid Nine hundred and five Shares fhall be, and they are hereby vefted in the feveral Bodies Politic and Corporate and other Perfons fubfcribing for and undertaking to raife and contribute the fame, and their refpective Succelfors, Executors, Adminiftrators and Affigns, to and for their own refpective Ufe and Benefit, according and proportionably to the Number of Shares which they fhall refpectively fubfcribe for and undertake to raife and contribute ; and that all Bodies Corporate and other Perfons, and their refpective Succelfors, Executors, Adminiftrators and Affigns, who fhall fubfcribe for any Share or Shares in the faid Undertaking, and pay fuch Sum or Sums of Money as fhall be demanded on account thereof, not exceeding in the whole a proportionable Part of the faid Sum of Ninety thoufand five hundred Pounds towards the carrying on and completing the faid Canal, and fuch other Works as aforefaid, fhall be entitled to and receive, after the faid Navigation fhall be completed, a due and juft Proportion, according to their refpective Number of Shares, of the clear Profits and Advantages which fhall or may arife or accrue by or from the Rates, Tolls, Duties and other Monies to be raifed, recovered or received by virtue of this Aét ; and fhall alfo from Time to Time bear and pay a like due and juft Proportion of the Money wanted

The Money raifed to be divided into 905 Shares, which fhall be numbered in Progreffion.

Shares to be Perfonal Eftate.

wanted for carrying on the said Navigation and Undertaking, in the Manner herein-after directed.

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

LIX. And for the better securing to the several Subscribers towards the said Navigation and Undertaking their respective Shares therein, be it further enacted, That the said Company of Proprietors, or their Committee of Management, shall, as soon as the same can or may be done, cause the Names and Additions of the several Persons who shall be entitled to any Share or Shares in the said Navigation and Undertaking, and the Number of Shares to which they shall respectively be entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Register Book to be kept by the principal Clerk to the said Company of Proprietors, and after such Entry to cause the Common Seal of the said Company of Proprietors to be affixed thereto; which said Book shall from Time to Time be altered and corrected, and new Books from Time to Time shall be sealed with the said Common Seal, as the change of Proprietors and Transfer of Shares shall render necessary or expedient; and the said principal Clerk shall also cause as many Tickets or Instruments to be prepared as there shall be Shares in the said Navigation and Undertaking, bearing respectively the same Numbers as in the said Books, and the Common Seal of the said Company of Proprietors to be affixed to each such Ticket or Instrument, and thereupon to cause to be delivered to every Subscriber towards the Navigation and Undertaking, upon Demand, a Ticket or Tickets specifying the Share or Shares to which he or she is entitled in the said Undertaking; and every such Subscriber shall pay to the Clerk to the said Company 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 Subscribers, his or her Executors, Administrators and Assigns, to the Share therein specified; but the want of any such Ticket or Instrument shall not hinder or prevent the Owner of any Share from selling or disposing thereof, or from receiving annually his Share of the Profits of the said Navigation and Undertaking in respect thereof.

If the Sum of 90,500l. is not sufficient; the Company may raise more amongst themselves.

LX. And be it further enacted, That if the said Sum of Ninety thousand five hundred Pounds herein-before authorized to be raised, shall be found insufficient for the making, completing and maintaining of the said Canal, and other Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company of Proprietors, after an Order or Resolution for that Purpose shall be made at a Special Meeting of the Proprietors, to be called by the Committee of Management of the said Company of Proprietors, and of which Meeting Fourteen Days previous Notice shall have been given in some Newspaper or Newspapers published or usually circulated in the said Counties of *Surrey* and *Suffex*, to contribute amongst themselves any further Sum or Sums of Money for the Purposes aforesaid, not exceeding in the whole the Sum of One hundred thousand Pounds, and such further Sum or Sums of Money shall, after such Order or Resolution for that Purpose as aforesaid, be raised and contributed by the several Persons possessed of the aforesaid Nine hundred and five Shares in the said Navigation and Undertaking, according and in Proportion to their

their respective Shares and Interest therein; and the said Nine hundred and Five Shares, and the Owners thereof shall continue to be, in respect of such further Sum or Sums of Money, under and subject to such and the same Calls to be made by the Committee of Management of the said Company of Proprietors, and such and the same Proportions, and within such and the same Time, and under and subject to such and the same Regulations, Rules, Orders, Fines and Forfeitures, as the said Nine hundred and Five Shares, and the Owners thereof, are hereafter made subject and liable to in respect of the said Sum of Ninety thousand five hundred Pounds, as fully and effectually, to all Intents and Purposes, as if such further Sum or Sums of Money had constituted Part of the original Sum hereby authorized to be raised.

LXI. Provided always, and be it further enacted, That if the said Company of Proprietors shall be desirous of raising the said additional Sum of Nine thousand five hundred Pounds, or any Part thereof, by Mortgage of the said Navigation and Undertaking, and shall make an Order or enter into a Resolution to that Effect, at a Special Meeting of the said Company of Proprietors, for that Purpose to be called by their Committee of Management for the Time being, and of which Meeting Fourteen Days previous Notice shall be given in the Manner aforesaid, then and in such Case it shall and may be lawful for the said Company of Proprietors, pursuant to such Order or Resolution, to borrow and take up at Interest the said Sum of Nine thousand five hundred Pounds or any Part thereof, upon the Credit of the said Navigation and Undertaking, as to them shall seem meet and convenient; and the said Company of Proprietors are hereby accordingly fully authorized and empowered to grant, assign and make over, by way of Mortgage, the several Tolls, Rates and Duties granted to them by this Act, or any part thereof, the Costs and Charges of which Assignment shall be paid out of such Tolls, Rates and Duties as a Security for the Sum or Sums of Money so to be borrowed, together with Interest for the same, unto the Person or Persons who shall lend and advance such Sum or Sums of Money, or unto his, her, or their Trustee or or Trustees; all which Assignments or Mortgages shall be made by Deed in Writing under the Common Seal of the said Company, in the Form or to the Effect following; (that is to say)

Or they may raise the said 9,500l. by Mortgage.

‘ BY virtue of an Act, made in the Fifty-third Year of the Reign of His Majesty King George the Third, intituled [*insert the Title of this Act*], We the Company of Proprietors of the said Navigation, incorporated by virtue of the said Act, in consideration of the Sum of of lawful Money of Great Britain, to us paid by of do hereby bargain, sell and assign unto the said his Executors, Administrators and Assigns, the said Navigation and Undertaking; and all and singular the Tolls, Rates and Duties, granted or arising and payable to us by virtue of the said Act, and all the Estate, Right, Title and Interest of us the said Company of Proprietors of, in, to or out of the same respectively, to hold unto the said his Executors, Administrators and Assigns, until the said Sum of together with Interest for the same, after the Rate of *per Centum per Annum*, shall be fully paid and satisfied to him or them. Given under our Common Seal this Day of

Form of Mortgage.

[*Loc. & Per.*]

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And

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

LXII. And be it further enacted, That an Entry or Memorial of every such Assignment or Mortgage as aforesaid, containing the Date thereof, the Name or Names and Additions of the Party or Parties to whom the same shall be made, and the Sum thereby secured, with the Rate of Interest to be paid for the same, shall be made or entered in a Book to be kept for that Purpose by the Principal Clerk to the said Company of Proprietors for the Time being, and that such Book shall and may be perused *gratis*, at all seasonable Times, by any of the Proprietors or Creditors of the said Navigation and Undertaking; and that all and every Person or Persons to whom any such Assignment or Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, shall and may from Time to Time assign, transfer and set over his, her or their Right, Title or Interest therein, unto any Person or Persons whomsoever, either by Indorsement thereon or otherwise; which Transfer shall and may be made by a Deed in Writing, in the Form or to the Effect following; *videlicet*,

I in Consideration of the Sum of
to me paid by of
do hereby transfer the within Mortgage (or a certain Mortgage made
to me by the Company of Proprietors of the *Wey* and *Arun* Junction
Canal, bearing Date the Day of)
and the principal Sum of thereby secured, and
the Interest now due and hereafter to grow due for the same, and all my
Right and Property therein, unto the said
his Executors, Administrators and Assigns. In Witness whereof I have
hereunto set my Hand and Seal, this Day
of ,

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

LXIII. And be it further enacted, That every Body Politic and Corporate, and all and every other Person and Persons, who shall by virtue of this Act have subscribed for, or shall become entitled to and be in the actual Possession of one or more Share or Shares in the said Navigation, shall

Votes may be
given in Per-
son or by
Proxy.

Form of Appointment by Proxy.

At Meetings
all Questions.
to be deter-
mined by the
Majority, &c.
Chairman
shall have the
casting Vote.

No Proprietor
to vote till
Call paid.

all Arrears thereof, shall be duly paid to the Treasurer or Treasurers of the said Company of Proprietors.

Proxies to be entered in a Book.

LXV. And be it further enacted, That all Proxies shall be produced to the Principal Clerk to the said Company of Proprietors, and entered in a Book or List to be kept by him for that Purpose, before any Vote shall be given in respect of such Proxies; which Book shall be sufficient Authority for any Person deputed by such Proxies to give his Vote, without Production of the Proxy at the Time of his voting, until such Proxy is revoked.

The Affairs of the Company, except in certain Cases, to be managed by a Committee of Fifteen.

General Meeting of the Proprietors when and where to be held;

who shall elect Members of the Committee to manage the Affairs of the Company.

No Person holding Place of Profit to be elected on the Committee, &c.

LXVI. And be it further enacted, That for the better carrying the Purposes of this Act into Execution, all the Affairs and Business of the said Company of Proprietors (except with respect to such Matters as are by this Act expressly directed to be done at a Meeting or Meetings of the Proprietors at large) shall be transacted and managed by a Committee of Fifteen Persons to be from Time to Time elected and qualified in the Manner herein-after mentioned, which said Committee of Fifteen Persons shall be called 'The Committee of Management of the *Wey* and *Arun* Junction Canal;' and that in all Cases where the Committee of Management is mentioned in this Act, it shall be deemed and construed to mean the said Committee of Management of the *Wey* and *Arun* Junction Canal, except where otherwise expressed; and that for the Purpose of electing the Members of such Committee, there shall be a General Meeting of the Proprietors at the Town Hall in the Town of *Guildford* in the County of *Surrey*, or some other convenient Place in the said Town hereafter to be fixed, and of which, Ten Days Notice at the least shall be in Manner that other public Notices of Meetings are by this Act directed to be given, within Six Weeks after the passing of this Act, at Eleven of the Clock in the Forenoon; and a like General Meeting of the Proprietors shall be held once in every future Year, on the Second *Tuesday* in the Month of *May*, at Eleven of the Clock in the Forenoon, at the Town Hall in *Guildford* aforesaid, or at such other Place in the said Town as shall have been fixed upon for that Purpose at the preceding General Meeting; and that at such First General Meeting, and also at every subsequent General Meeting to be held on the said Second *Tuesday* of the Month of *May* yearly, the said Proprietors, or such of them as shall be present, together with such Proxies as shall be present, shall elect and make choice of Fifteen Persons, who shall be respectively Proprietors of Five or more Shares in the said Navigation and Undertaking, to be Members of the said Committee, to manage the Affairs and Business of the said Company in the Manner herein-after directed, for the Space of One Year then next ensuing, and until other Persons qualified in like Manner shall be elected in their Stead, pursuant to the Directions of this Act: Provided always, that nothing herein contained shall extend to prevent any Person from being re-elected a Member of the said Committee: And, Provided also, that no Person holding or being a Partner with any Person holding any Office or Place of Profit under the said Company of Proprietors, shall be elected a Member of the said Committee; and that if any Person who shall be elected a Member of such Committee, or any Co-partner of such Person who shall be so elected, shall afterwards accept any Place of Profit under the said Company of Proprietors, he shall be no longer capable of acting as a Member of such Committee, but some other Person shall be appointed in his Stead in the Manner herein-after mentioned: Provided also, that if at the Time of any such Election of Committee

Committee Men, there shall not be present in Person or by Proxy Fifteen Persons at the least who shall be respectively possessed of Five Shares at the least in the said Navigation, then and in such Case no Election of Committee Men shall take place at such Meeting, but such Meeting shall be adjourned to that Day Three Weeks, to be then holden at the same Place, and so from Time to Time, until there shall be such Persons present at such General Meeting having such Number of Shares as aforesaid; and of every such adjourned Meeting Ten Days Notice at the least shall be given in One or more Newspapers circulated in the said Counties of *Surrey* and *Suffex* respectively.

LXVII. And be it further enacted, That the said Persons to be elected by the Proprietors in the Manner aforesaid, shall be the said Committee of Management of the *Wey* and *Arun* Junction Canal, and shall continue in Office for the Space of One Year, and until a new Committee of Management shall be appointed in their Stead, and until the Day appointed for the First Meeting of such new Committee, pursuant to the Directions of this Act; and a General Meeting of every such Committee of Management shall be held, for putting this Act into Execution, on the Second *Tuesday* next after the Day of their Election; and a like General Meeting of the Committee of Management shall afterwards be held Three Times in every Year, in the Months of *August*, *November* and *February* respectively, at Eleven of the Clock in the Forenoon, at such Place and on such Days as the said Committee of Management shall at their preceding General Meeting appoint; of all which General Meetings public Notice shall be given in some Newspaper or Newspapers published or usually circulated in the said Counties of *Surrey* and *Suffex* respectively, Seven Days at the least before the Time appointed for every such Meeting; and it shall be lawful for the said Committee of Management, at any General Meeting to be held in pursuance of this Act, to adjourn themselves from Time to Time, and from Place to Place, as they shall think proper and expedient.

The Proprietors elected to be the Committee of Management, and to continue in Office for One Year and until a new Committee be chosen, &c.

LXVIII. And be it further enacted, That the said Committee of Management shall, at their First General Meeting to be held in pursuance of this Act, elect a Chairman out of the Members of such Committee then present, to preside at such Meeting, and at all other Meetings of the said Committee, whilst he shall continue to be a Member thereof; and in case the Office of Chairman shall at any Time become vacant by Death, Resignation or otherwise, the Committee of Management shall at their next Meeting after such Vacancy elect some other Person out of the Members of such Committee then present, to be their Chairman at such Meeting, and at all other Meetings of the said Committee to be held whilst he shall continue a Member thereof, and that any Seven or more Members of the Committee of Management, but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of electing a Chairman of such Committee; and that after a Chairman shall be elected, any Five or more of such Committee (whereof the Chairman, or in his Absence such other Member of the said Committee as he shall from Time to Time by any Writing under his Hand, appoint to supply his Place, shall be one) but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of doing all other Acts, Matters and Things, and exercising all other Powers and Authorities hereby directed to be done by and vested in such Committee; and that all Questions, Matters and Things which shall be proposed, discussed or considered by the said Committee at their Meetings to be held in Manner

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

Five or more of the Committee, of whom the Chairman or his Deputy to be one, to be competent to do all other Business, &c.

Questions to be decided by a Majority.

[Loc. & Per.]

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aforesaid,

Chairman or his Deputy to have the casting Vote.

If sufficient Members do not attend those present, or the Clerk, to adjourn.

Appointing the Time of holding General Meetings, when the Time is not fixed at preceding one.

Committee of Management at their First Meeting to appoint a General Meeting of Proprietors at large, for electing a Treasurer.

aforesaid, shall be decided and determined by the Majority of Members then present, but then no Member shall have more than one Vote at any such Meeting; save and except, that in case of an equal Division the Chairman or the Person appointed to supply his Place as aforesaid, shall always have the casting Vote; and if at any Meeting to be held for the Election of a Chairman as aforesaid, Two or more Persons shall be proposed to fill that Office, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same: Provided always, that if on the Day appointed for any such Meeting of the Committee of Management as aforesaid, there shall not attend so many Members of such Committee as are hereby required to constitute a Meeting for exercising the Power hereby vested in such Committee, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned to that Day Fortnight by the Member or Members then present, or if no Member, by the principal Clerk to the said Company of Proprietors, or such other Person as shall attend in his Place.

LXIX. Provided always, and be it further enacted, That in case no Time shall be appointed by the said Committee at any General Meeting, for holding the then next General Meeting, in such Case the principal Clerk to the said Company shall and may appoint the Time and Place for holding the next General Meeting of the said Committee, some Time in the Months of *August*, *November*, and *February* respectively, as the Case shall require; and also that the said principal Clerk, at the Requisition in Writing of any Three or more of the said Committee, including the Chairman (if there be one) or of any Five of the said Committee, with or without the Chairman, shall and may at any Time or Times convene a Meeting of the said Committee of Management for any Special Purpose, to be held at such Time and Place, or Times and Places, as shall be mentioned in such Requisition; provided that the like Notice shall be given of such Meeting, in any such Case, as is by this Act required to be given of the holding of General Meetings.

LXX. And be it further enacted, That the said Committee of Management shall at their First General Meeting after the passing of this Act, and also at their First General Meeting which shall be held in every subsequent Year, after any Vacancy shall happen by Death or otherwise in the Office of Treasurer to the said Company of Proprietors, appoint a General Meeting of the Proprietors at large, to be held at such Time and Place as they shall think proper within One Calendar Month next after such General Meeting of the said Committee, for the Purpose of electing a Treasurer or Treasurers to the said Company of Proprietors; and shall cause public Notice of the Time and Place appointed for such Meeting of the Proprietors at large, to be given by Advertisement in some Newspaper or Newspapers published or usually circulated in the said Counties of *Surrey* and *Sussex*, Seven Days at least before the Time appointed for such Meeting; and the Proprietors who shall be assembled at such Meeting are hereby accordingly authorized and required to elect and make choice of some Person or Persons to be a Treasurer or Treasurers to the said Company; and in case so many of the said Company of Proprietors as shall be possessed of Two hundred Shares in the said intended Navigation and Undertaking, shall at any Time be dissatisfied with the Conduct of the Treasurer or Treasurers of the said Company, and shall signify such their Disapprobation in Writing, signed by them, to the Committee of Management at any

General.

General Meeting to be held as aforesaid, then such Committee shall thereupon call and appoint a General Meeting of the Proprietors at large, to be held within Thirty Days from that Time, for the Purpose of taking into Consideration the Cause of Complaint against such Treasurer or Treasurers, and shall give public Notice of such Meeting in the Manner aforesaid, Seven Days at the least before the Time appointed for holding the same; and the Proprietors to be assembled at such Meeting shall and may, after taking the Matter into Consideration, either continue such Treasurer or Treasurers in his or their Office, or remove and dismiss him or them from the same, and elect and appoint some other Person or Persons in his or their Stead, according as they shall judge proper and expedient.

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

Security to be taken from the Treasurer.

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

Committee of Management may appoint Clerks, &c.

taking Security from those who are to have Custody of Monies, &c.

Money received, paid, laid out, and disbursed up to that Time, for or on Account of the said Company of Proprietors, by the Treasurer or Treasurers, Collectors, and other Officers, so to be appointed as aforesaid, or by any other Person or Persons to be employed on Behalf of the said Company in or about the said intended Navigation and Undertaking: Provided always, that it shall be lawful for the said Committee to call for, audit, and settle such Accounts, or any of them, oftener than once a Year, if they shall deem it proper or expedient so to do.

Officers to
account.

LXXIII. And be it further enacted, That every such Treasurer, Engineer, Superintendent, Surveyor, Clerk, Collector, and every other Officer and Person so to be appointed as aforesaid, shall under their Hands at such Time and Times, and in such Manner as the said Company of Proprietors, or their Committee of Management shall direct, deliver to the said Company of Proprietors, or to the said Committee, or to such Person or Persons as they respectively shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act; and also of all Monies which shall have been by such Treasurer, Engineer, Superintendent, Surveyor, Clerk, Collector, Officer or Officers, and Person or Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Company of Proprietors, or to the said Committee of Management, or to such Person or Persons as they respectively shall appoint; and if any such Treasurer, Engineer, Superintendent, Surveyor, Clerk, Collector, Officer or Person shall refuse to produce or deliver up such Receipts or Vouchers, or to make Payment as aforesaid, or shall not deliver to the said Company of Proprietors, or to the said Committee, or to such Person or Persons as they shall respectively appoint, within Twenty-one Days after being thereunto required by the said Company of Proprietors, or by the said Committee, all Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act; or shall refuse or neglect to pay such Monies, as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Company of Proprietors or the said Committee, or as they respectively shall direct or appoint; then and in any of the Cases aforesaid, the said Company of Proprietors may, and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Treasurer, Engineer, Superintendent, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons so neglecting or refusing as aforesaid, for the Recovery of the Monies that shall be in the Hands of such Treasurer, Engineer, Superintendent, Surveyor, Collector, Clerk, Officer or Officers, Person or Persons respectively; or if Complaint shall be made by the said Company of Proprietors, or by the said Committee, or by such Person or Persons as they respectively shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any One or more of the Justices of the Peace for the County, City, or Place wherein the said Treasurer, Engineer, Superintendent, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons so neglecting or refusing shall be or reside, such Justice or Justices may, and he and they is and are hereby authorized and required, by a Warrant or Warrants under his and their Hand and Seal or Hands and Seals, to cause the Treasurer, Engineer, Superintendent, Surveyor, Clerk, Collector, Officer or
Officers,

Officers, Person or Persons so neglecting or refusing to be brought before him or them; and upon his or their appearing, or having been summoned and not appearing, without giving some reasonable Excuse for such Non-appearance to the Satisfaction of such Justice or Justices, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any One or more credible Witness or Witnesses upon Oath, it shall appear to such Justice or Justices that any of the Monies that should have been collected or raised by virtue of this Act, shall be in the Hands of such Treasurer, Engineer, Superintendent, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons, such Justice or Justices may, and is and are hereby authorized and required, upon Non-payment thereof, by a Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Treasurer, Engineer, Superintendent, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Treasurer, Engineer, Superintendent, Surveyor, Clerk, Collector, Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of making and levying the same, or if such Officer or Officers, Person or Persons, shall still persist in refusing or neglecting to deliver up all such Books, Papers, and Writings as aforesaid to the said Company of Proprietors, or to the said Committee, or as they respectively shall appoint; then, and in any of the Cases aforesaid, such Justice or Justices shall commit every such Offender to the Common Gaol for such County, City, or Place, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Company of Proprietors, or with the said Committee, and shall have paid such Composition in such Manner as they respectively shall appoint, and until he shall deliver up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Company of Proprietors, or to the said Committee: Provided always, that no Treasurer, Engineer, Superintendent, Surveyor, Clerk, Collector, Officer or Person so committed for want of sufficient Distress, shall be confined or detained in Prison, by virtue of this Act, for any longer Space than Three Calendar Months.

LXXIV. And be it further enacted, That all Books, Accounts, Writings, and Papers whatsoever, which shall be in the Custody of any such Treasurer, Engineer, Superintendent, Surveyor, Clerk, Collector and every other Officer and Person so to be appointed as aforesaid, his Executors or Administrators respectively, in anywise relating to the said intended Navigation and Undertaking, shall be, and the same are hereby declared to be, and shall be construed, deemed and taken to be, the Right and Property of the said Company of Proprietors.

Books, &c.
declared to be
the Property
of the Com-
pany.

LXXV. Provided always, and be it further enacted, That it shall and may be lawful for the said principal Clerk to the said Company of Proprietors, with the Consent of the said Committee of Management, to be given at any General Meeting of such Committee, by any Writing under his Hand, to appoint One or more Deputy or Deputies; and all Acts required to be done by the said principal Clerk, and all Notices and Processes which by this Act may be served upon the said principal Clerk, shall

Principal
Clerk may
appoint a
Deputy.

[Loc. & Per.]

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be

be equally good, valid, binding, and effectual, if done by or served upon such Deputy or Deputies.

Committee of Management may make Calls for Money; and may contract for and purchase Lands, and treat and agree concerning Damage, &c.

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

For compelling Payment of Subscriptions.

LXXVII. And be it further enacted, That all and every Person and Persons who hath or have already subscribed, or who shall hereafter subscribe to advance any Money for and towards the making and maintaining of the said Canal, and other Works hereby authorized to be made as aforesaid, shall pay the Sum or Sums of Money by them respectively subscribed or

to be subscribed, or such Part or Parts thereof as shall from Time to Time be called for by the Committee of Management of the said Company of Proprietors, by virtue of the Powers and pursuant to the Direction of this Act, at such Times and Places as shall be appointed for that Purpose by the said Committee, in the Manner herein-before mentioned; and in case any Person or Persons shall neglect or refuse to pay the Sum or Sums so to be called for from him, her or them, at the Time and in the Manner to be appointed for that Purpose as aforesaid, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster*, in an Action of Debt or in an Action of Trespass upon the Case upon Promises, or in an Action upon the Case in Tort, as they shall deem most expedient.

LXXVIII. And be it further enacted, That it shall be lawful for the Committee of Management, at any such General Meeting as aforesaid, to nominate and appoint out of their own Body One or more Sub-Committee or Sub-Committees (every such Sub-Committee to consist of Three or more Persons) who shall have full Power and Authority to enter into and make any such Contracts or Agreements on Behalf of the said Company of Proprietors as aforesaid; and to hire and employ any Agents, Workmen 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 Navigation and Undertaking, which the said Committee of Management are themselves herein-before authorized to do, or such of them as the said Committee of Management shall think proper to intrust 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 making Calls for Money upon the Proprietors of the said Navigation and Undertaking; all which shall be done by the said Committee of Management only, as herein-before directed; and it shall also be lawful for the said Committee of Management, by an Order or Resolution for that Purpose, at any General Meeting, to break up and dissolve any such Sub-Committee or Sub-Committees, or to remove or 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 of Management shall think proper and expedient; and such Sub-Committee 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 as aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Committee of Management be vested in any such Sub-Committee, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings (the whole Number of Members present not being less than Three); and at all Meetings of such Sub-Committees respectively, one of the Members present shall be appointed President or Chairman; and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote, in case of an equal Division; but no other Member shall have more than One Vote.

LXXIX. And be it further enacted, That the said Committee of Management, and also every such Sub-Committee as aforesaid, shall enter or cause to be entered into Books to be provided for that Purpose, at the Expence keep Ac-

Committee of Management may appoint Sub-Committees, with Powers to make Contracts, &c.

Committee of Management and Sub Committees to keep Ac-

counts of
Monies re-
ceived and
paid, &c.

Expences of
Committee of
Management
and Sub-
Committees,
to be defray-
ed by the
Company,
and Treasurer
to be drawn
upon for the
same, &c.

Expence of the said Company of Proprietors, a full and true Account of all Money disbursed and Payments made by such Committee and Sub-Committees respectively, and by all and every Person and Persons employed by or under them, and of all Monies which shall be paid to or received by them respectively, for or on Account of the said Company of Proprietors; and also a full and true Account or proper Notes and Minutes of every Contract, Bargain and Agreement, which shall be entered into by them respectively, for or on Behalf of the said Company of Proprietors, and of all and singular their respective Orders, Transactions and Proceedings whatsoever, in and about the Affairs and Business of the said Company; and all reasonable Expences to be incurred at or by the respective Meetings of the said Committee of Management, and of such Sub-Committees respectively as aforesaid, shall be paid and defrayed out of the Cash or Stock of the said Company of Proprietors; and such Committee of Management and Sub-Committees respectively shall and may from Time to Time draw for the Amount of such Expences respectively, upon the Treasurer or Treasurers to the said Company; but no other Money shall be issued or paid by the said Treasurer or Treasurers for or on account of the said Company of Proprietors, without an Order being made for that Purpose by the Committee of Management at some such Meeting as aforesaid, nor without a Draft or Order, signed by Three or more of the Members of the said Committee of Management; and every such Book, and all such other Books, Papers and Writings belonging to the said Company of Proprietors, shall, at all reasonable Times, be opened to the Inspection of all the said Proprietors, who may take Copies thereof, or Extracts therefrom, without Fee or Reward.

Sub-Com-
mittee to
make Report
of their Pro-
ceedings.

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

Company of
Proprietors
may make
Bye Laws.

LXXXI. And be it further enacted, That the said Company of Proprietors shall also have full Power and Authority, from Time to Time, at any General Meeting of the said Company of Proprietors, to be held in Manner herein-after mentioned, to make such Rules, Orders and Bye Laws as to them shall seem meet and proper for the good Government of the said Company of Proprietors, and for regulating the Proceedings of the said Committee of Management and Sub-Committees respectively; and for the regulating of all Officers, Workmen and Servants to be employed in or about the Affairs or Businesses of the said Company of Proprietors; and for the well and orderly using of the said intended Navigation, and the Tunnels, Locks, Sluices, Weirs, Hatches, Aqueducts, Railways, Rollers, Feeders, Wells, Trenches, Levels, Reservoirs, Stanks, Dams, Wharfs, Cranes, Warehouses, Towing Paths, Ways, Roads, Gates, Bridges, Culverts, Engines and other Works thereto belonging; and for regulating the Commencement, Continuance, Suspension, Cessation, Precedents, Turn

Turn and Order of the passing and repassing and navigating of all Vessels, Boats, and Barges, Persons, Horses and Carriages, and the Structure, Materials, Dimensions, Forms and Manner of Building all such Vessels, Boats, Barges and Carriages as shall from Time to Time be used upon the said Canal, Navigation, Railways, Rollers, Towing Paths, Roads, Ways, or Wharfs, and of the Oars, Poles, Wheels, and other Implements to be used about or with the same respectively, and the conveying of all Goods, Wares, and Merchandizes which shall be navigated or conveyed thereon; and for the orderly Behaviour of all Bargemen, Watermen, Boatmen and others who shall be employed in carrying or conveying any such Goods, Wares or Merchandize; and for the Superintendence and Management of the said Navigation in all other Respects whatsoever; and from Time to Time to alter or repeal such Rules, Orders and Bye Laws, or any of them, and to make others, and impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against such Rules, Orders and Bye Laws, or any of them, not exceeding the Sum of Five Pounds, for any one Offence, as to the said Company of Proprietors shall seem meet and expedient; and all Rules, Orders and Bye Laws so to be made as aforesaid, being reduced into Writing, and the Common Seal of the said Company of Proprietors thereto affixed, shall be binding upon and be observed by all Persons using or in anywise concerned in the said Navigation and Works, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided, that such Rules, Orders and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom called *England*, or any of the express Directions or Provisions of this Act; and provided, that Copies of such Rules, Orders and Bye Laws, or such of them as shall concern or relate to the using of the said intended Navigation and Works, and the Tunnels, Locks, Reservoirs and Aqueducts, Roads and Ways belonging thereto, or to the Conduct and Behaviour of Bargemen, Boatmen, Watermen and others conveying Goods thereon, or to the Conduct and Behaviour of any Officers, Servants or other Persons employed in or about the said Navigation and Works, or of the Persons resorting to or making use thereof, shall be written or printed in large Characters, and be affixed and continued for the Space of One Month at the least, in some conspicuous Place or Places upon or near adjoining all the Wharfs on the said Navigation.

LXXXII. Provided always, and be it further enacted, That in all Cases of Prosecution for Offences against the said Bye Laws, the Production of a printed Paper, purporting to be the Bye Laws of the Company, and authenticated by the engraved or printed Impression or Copy of the Impression of such Bye Laws, having the Common Seal of the Company affixed thereto, shall be sufficient Evidence of the Existence of such Bye Laws; and that it shall be sufficient to prove that a printed Paper, in Characters sufficiently plain, purporting to be a Copy of such Bye Laws, hath been affixed and published in Manner aforesaid; and in case of its being afterwards displaced or damaged, hath been replaced with another such Paper as soon as conveniently might, in some conspicuous Place upon or near adjoining the Wharf nearest to the Place where the Offence was committed; unless Proof shall be adduced by the Defendant that such printed Paper is not a Copy of such Bye Laws, or hath

[*Loc. & Per.*]

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not

Authenticat-
ing Bye Laws.

not been duly kept up and generally continued at such Wharf in Manner
aforesaid.

Committee of
Management
may call Spe-
cial Meetings
of the Proprie-
tors at large.

LXXXIII. And be it further enacted, That if it shall at any Time appear to the Committee of Management, or to any Ten or more of the Proprietors of Five Shares at the least, to be necessary or expedient to call a Special Meeting of the Proprietors at large for the more effectually putting this Act in Execution, or in order to take their Opinion respecting any Matters or Things to be done in or about the said Navigation, or respecting any Matters or Things in which the Interest of the said Canal, the Extension of its Trade, or the Interests of the Proprietors is in any respect implicated or concerned, it shall be lawful for the said Committee of Management, pursuant to an Order or Resolution for that Purpose to be made at any Meeting of the same Committee, or for the principal Clerk to the said Company of Proprietors, upon the Requisition in Writing of any Ten or more of the Proprietors of Five Shares or more in the said Undertaking to call a Special Meeting of the Proprietors at large, by public Advertisement in some Newspaper or Newspapers published or usually circulated in the said Counties of *Surrey* and *Sussex* respectively, and also in some *London* Newspaper or Newspapers, specifying in such Advertisement the Cause of calling such Special Meeting, and the Time and Place when and where the same shall be held, the Time not being less than Fourteen Days after such Notice shall be given; and the said Company of Proprietors are hereby authorized and required to meet pursuant to such Notice, and to take into Consideration the Matters to be submitted to them by the said Committee of Management, or expressed in such Requisition, and specified in such Notice; and the Decision and Determination of the Proprietors present at such Meeting, or the major Part of them, according to the Number of Votes they shall have a right to give, either as Principals or Proxies, respecting such Matters only, shall be binding and conclusive upon the rest of the Proprietors, to all Intents and Purposes, and shall be observed and acted upon accordingly.

Proprietors to
pay their
Shares of the
Money called
for, at the
Place ap-
pointed, &c.

LXXXIV. And be it further enacted, That every Proprietor of any Share or Shares in the said Navigation shall from Time to Time pay his or her Proportion of the Money so to be called for, as herein-before is mentioned, into the Hands of the Treasurer or Treasurers to the said Company, at such Time and Place as shall be appointed for that Purpose by the Committee of Management making such Call, and of which Notice shall be given as herein-before is directed; and that if any Person or Persons shall neglect or refuse to pay his, her or their proportionable Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for that Purpose in Manner aforesaid, it shall be lawful for the said Company of Proprietors, in case they shall so think fit, to sue for and recover the same, together with the Penalty herein-after mentioned, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case; and the Person or Persons so refusing or neglecting to pay such his, her or their proportionable Part of such Money in Manner aforesaid, shall forfeit to the said Company of Proprietors, if such Payments shall not be made within Thirty Days next after the Time appointed for Payment of the same, the Sum of Five Shillings *per* Share; or if such Payment shall not be made within Sixty Days next after the Time appointed for the Payment of the same, the Sum of Ten Shillings *per* Share for and in respect of every

Persons
making De-
fault, to for-
feit for
every Share;

Share of such Person or Persons, in respect whereof such Person or Persons shall so neglect or refuse to pay his, her or their proportionable Part of the Money so to be called for as aforesaid, for the Space of Three Calendar Months after the Time to be appointed for Payment thereof as aforesaid, together with the said Penalty of Ten Shillings *per* Share as aforesaid; and if the same shall not have been sued for by the said Company of Proprietors as aforesaid, or if sued for, shall not have been recovered by them, then and in such Case the Person or Persons so neglecting or refusing shall, if the said Committee of Management shall so determine, but not otherwise, absolutely forfeit all his, her or their Share, Part and Interest whatsoever in the said Undertaking, and all Profit and Advantage thereof, and all Money theretofore advanced by him, her or them on account thereof, to and for the Use and Benefit of the other Proprietors of the said Navigation; and all Shares that shall or may be so forfeited, shall be sold by the said Committee of Management, by public Auction, for the most Money that can be gotten for the same; and the said Penalty of Five Shillings *per* Share, or Ten Shillings *per* Share, as the Case may be, and the Produce of the Shares so to be forfeited and sold, shall be, and the same respectively is and are hereby directed to be paid to the said Treasurer or Treasurers, and applied in making, furnishing, completing and maintaining the said Navigation and Works: Provided always, that if there shall be no Bidder for such Share or Shares at such Auction for the Sale thereof, the same Share or Shares shall or may be sunk and merged in the Rest of the Shares in the said Navigation, if the said Committee of Management shall think fit; and in that Case the Name or Names of such Proprietor or Proprietors, and the Number or Numbers of such Share or Shares shall be expunged and struck out of the Books of the said Company; and the said Committee of Management shall and may in such Case borrow and raise any Sum of Money not exceeding the Amount of One hundred Pounds a Share on the Number of Shares so forfeited and merged, and to secure the same with Interest, in like Manner as the said Company are enabled by this Act to borrow and secure any Sum not exceeding Nine thousand five hundred Pounds, for the Purposes herein mentioned: Provided always, nevertheless, that no Advantage shall be taken of such Forfeiture of any Share or Shares in the said Navigation and Undertaking as aforesaid, until after personal Notice shall be given by the Treasurer or Treasurers, or principal Clerk of the said Company of Proprietors, to the Owner or Owners thereof, or until Notice in Writing shall be left at his, her or their usual or last Place or Places of Abode, or published Three several Times in the *London Gazette*, and also in some Newspaper or Newspapers published and circulated in the said Counties of *Surrey* and *Suffex* respectively; nor unless the same shall be declared to be forfeited at some General Meeting of the Committee of Management: Provided also, that every such Forfeiture, after the same shall be taken Advantage of by the rest of the said Company of Proprietors as aforesaid, shall be an absolute Indemnification and Discharge to and for the Proprietor or Proprietors so forfeiting, against all Actions, Suits and Prosecutions, for any Breach of Contract or other Agreements between such Proprietor or Proprietors so forfeiting and the rest of the said Company, with regard to the future carrying on and Management of the said intended Navigation and Undertaking.

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

But Shares not to be forfeited without Notice, nor without being declared forfeited at a General Meeting of Committee.

Forfeiture of Shares to be an Indemnity to Persons forfeiting.

In case of Deaths of Subscribers before their Subscriptions are completed, Executors to complete the same.

In case of want of Assets, the Company to admit other Persons to such Shares, on paying the same.

Treasurers may allow Interest to Proprietors for Payments in Advance.

Where the Right in Shares passes from one to another, otherwise than by Transfer, sufficient Proof to be adduced.

LXXXV. And be it further enacted, That if the Proprietor of any Share or Shares in the said Navigation shall die before Payment shall have been made by him or her of the full Sum to be called for and advanced as aforesaid, in respect of each Share which he or she shall have been possessed of or entitled to, the Executor or Administrator of such deceased Proprietor, being possessed of sufficient Assets, shall pay the Call or Calls then due, and the future Calls to be made in respect of such Share or Shares; and if such deceased Proprietor shall not have left Assets sufficient, the said Company of Proprietors shall, and they are hereby authorized and required (unless such Executor or Administrator shall duly pay such Call and Calls) to admit any other Person or Persons to be a Proprietor or Proprietors of the Share or Shares of such deceased Proprietor; on Condition that such Person or Persons so to be admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Proprietor, or the Trustee or Trustees, Guardian or Guardians of any Infant or others entitled to his or her Effects, the full Sum or Sums of Money which shall have been paid by such deceased Proprietor in his or her Life-time, in consequence of any Call or Calls, or otherwise, upon or in respect of such Share or Shares, or so much Money as the same can be sold for.

LXXXVI. Provided always, and be it further enacted, That if any Subscriber to the said Navigation shall be minded or desirous to pay or advance immediately into the Hands of the Treasurer or Treasurers of the said Company of Proprietors, the full Amount of his or her Subscription for such Share or Shares for which he or she may have subscribed, or any Part thereof, not being less than One hundred Pounds, without waiting for the said Call or Calls, then and in such Case it shall be lawful for the said Treasurer or Treasurers to pay to the said Subscriber or Subscribers, out of the Funds of the said Company, Interest upon the same, at the Rate of Five Pounds *per Centum per Annum* upon the Amount which such Payment or Advance may be, over and above the said Calls, and from the Period of the Call immediately preceding such Payment or Advance, up to the Period of such subsequent Call respectively, according to the Sum then in Advance, and above the Amount of the said Call.

LXXXVII. And be it further enacted, That in Cases where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the Original or other Proprietor thereof, to any other Person or Persons, by the Marriage, Death, or Bankruptcy or Insolvency, and general Assignment of Effects of such Proprietor, or by any other legal Means than by a Transfer or Conveyance thereof, which is by this Act required to be produced to the principal Clerk for the Purpose herein mentioned, good and sufficient Proof thereof respectively shall be adduced and made to the said principal Clerk; and the Probate of the Will, or the Letters of Administration to the Effects of such deceased Person, or the Deed of Assignment of the Effects of such insolvent or bankrupt Person, or any other Instrument whereby such Alteration in the Right and Property of such Share or Shares may fully appear, shall be produced to the said principal Clerk to be registered, to the Intent that he may and is hereby required to register the Name or Names of every such married Person, Executor, Administrator or Assignee, or other new Proprietor, in the said Register Book.

LXXXVIII. And

LXXXVIII. And be it enacted, That the Bodies Politic and Corporate, and all and 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 Navigation, whether as original Subscribers, or as Successors, Executors, Administrators or Assigns, of original Subscribers, shall be deemed and taken to be 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 Proprietors of Shares in the said Navigation are made subject and liable by this Act; and that all Notices by this Act 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, be in all Respects good, sufficient and conclusive; and all Payments of Interest and Dividends due and to grow due on 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 or Bargain and Sale of any Share or Shares, or other Instrument giving Title to any such Share or Shares, which shall not have been brought to the said principal Clerk, to be 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 of 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 or Persons, than such as appear upon the said Book to be Proprietors of the said Shares; but that in all such Cases, unless where it shall be expressly proved that the said Book is defective, by reason of some Neglect or Default of the said Clerk, the said Book shall be considered as sufficient and conclusive Evidence of the Proprietorship of the said Shares.

Other Regulations for ascertaining the Proprietorship of Shares.

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

Shares may be sold, and how.

I in Consideration of paid to me by
of do hereby bargain, sell, assign
and transfer to the said Executors, Administrators and Assigns,
Share or Shares in the *Wey and Arun* Junction Canal, being No.
of the Shares in the said Navigation, to hold to the said
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 Execution hereof; and I
the said do hereby agree to accept of the said
Share (or Shares) subject to the same Rules, Orders, Restrictions, and
Conditions. Witness our Hands and Seals, the Day of
[Loc. & Per.] 5 A And

Form of Conveyance of Shares on a Sale.

Memorial of
all such Sales
and Convey-
ances to be
registered.

And on every such Sale, the Deed of Conveyance, being executed by all Parties, shall be kept by the Principal Clerk to the said Company of Proprietors, who shall enter in the Book or Books, to be kept for that Purpose, a Memorial of such Sale and Conveyance, for the Use of the said Company of Proprietors, and certify the Entry of such Memorial by an Indorsement on a Copy of such Conveyance, which shall be delivered to the Purchaser; for the Preparation of which Deed, and the Copy thereof, and for which Entry and Certificate, no more than Fifteen Shillings shall be paid, exclusive of the Stamp Duty; and until such Memorial shall have been entered, as before directed, the Purchaser or Purchasers shall not have any Part or Share of the Profits of the said Navigation, or any Dividend paid to him, her or them, for or in respect of such Share or Shares so to be purchased, nor be entitled to any Vote in respect thereof, as a Proprietor or Proprietors of the said Navigation; and every such Copy, after such Memorial shall be so indorsed thereon, shall be admitted and received as Evidence in all Cases in which such original Deed or Conveyance could or might be received as Evidence.

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

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

The Com-
pany empow-
ered to take
Rates and
Tolls.

XCI. And be it further enacted, That in Consideration of the Charges and Expences which the said Company of Proprietors will be at in making and maintaining the said Canal and other Works hereby authorized to be made, erected and maintained as aforesaid, it shall and may be lawful to and for the said Company of Proprietors from Time to Time, and at all Times for ever hereafter, to ask, demand, take and receive, to and for their own Use and Benefit, for the Tonnage of all Goods, Wares, Merchandize and Commodities whatsoever, which shall be carried or conveyed upon the said Canal or any Part thereof respectively, of and from the Owner or Owners of such Goods, Wares, Merchandize and Commodities, or of or from the Owner or Owners, or Person or Persons having the Care, Custody or Charge of, or navigating the said Boats, Barges or Vessels conveying the same, at the Option of the said Company of Proprietors, the respective Rates, Tolls and Duties, herein-after mentioned; (that is to say),

For all Dung and Ashes, and for all Chalk, Marl, Lime and Limestone^s intended to be used for Manure, and for all other Articles intended to be used for Manure, the Sum of Two-pence *per* Ton *per* Mile; and so in Proportion for any greater or less Quantity than a Ton, or a greater or less Distance than a Mile.

For

For all Chalk, Marl, Lime and Limestone (except such as shall be intended to be used for Manure), and for all other Goods, Wares, Merchandize and Commodities whatsoever, in respect of which no Toll, Rate or Duty is herein-before made payable, the Sum of Four-pence *per Ton per Mile*; and so in Proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile.

And for every empty or light Boat, Barge or Vessel of any Sort or Description whatsoever, and for every such Boat, Barge or Vessel carrying a Freight or Load not exceeding Six Tons of Manure, or Four Tons of any other Lading, passing through any and every Lock upon the said Canal or any Part thereof, the Sum of One Shilling.

For every Passenger or other Person who shall be carried upon the said Canal in any Boat, Barge or Vessel, not being a Person then employed in navigating the same, for every Mile which any Passenger shall be carried, the Sum of Two-pence; and so in Proportion for any greater or less Distance than a Mile.

For every separate Package, Parcel or other Article, not exceeding Two hundred Weight each, and belonging and consigned to different or distinct Persons, the Sum of One Penny *per Mile*; and so in Proportion for any less Distance than a Mile.

XCII. Provided also, and be it further enacted, That no Boat or other Vessel used for carrying Passengers, or any other Person or Persons not employed in navigating such Boat or other Vessel, shall be used or navigated upon the said Canal by any Person or Persons without the Consent and Licence of the said Company of Proprietors, or the Committee of Management of the said Company for the Time being. Passage Boats to be licensed.

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

XCIV. And be it further enacted, That the Rates, Tolls and Duties, hereby authorized to be demanded and taken by the said Company of Proprietors, shall be paid to such Person or Persons, at such Place or Places upon or near to the said Canal, and in such Manner and under such Regulations as the Committee of Management shall in that Behalf direct or appoint; and in case of Neglect or Refusal to pay any such Rates, Tolls or Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same as aforesaid, it shall be lawful for the said Company of Proprietors to sue for the same, by Action of Debt or upon the Case, in any of His Majesty's Courts of Record at *Westminster*; and in every such Action it shall be sufficient for the Plaintiff to declare, that Rates, Tolls and Duties, how to be recovered,
under

under and by virtue of a certain Act of Parliament passed in the Fifty-third Year of His Majesty King George the Third, intituled [*here set forth the Title of this Act*], the said Company, or their Assignees or Mortgagees, were lawfully possessed of or entitled to such Tolls or Duties as in and by the said Act are sought to be recovered, and to alledge when, where, how and wherefore such Tolls, Rates, or Duties accrued and became payable to the said Plaintiff; or it shall be lawful for the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid, and he and they is and are hereby authorized and empowered to seize and distrain the Goods, Wares, Merchandize, or Commodities for or in respect of which such Rates, Tolls, or Duties ought to have been paid as aforesaid, or any Part thereof, and the Boat, Barge, or other Vessel laden therewith, or any other Boat, Barge, or other Vessel, Goods or Commodities belonging to the Owner of such Boat, Barge, or other Vessel, and lying or being upon the said Canal hereby authorized to be made, or upon any Wharf, or in any Warehouse adjoining thereto, and to detain the same respectively until full Payment shall be made of such Rates, Tolls, or Duties, and of all Arrears of the same which may be then due from the Owner of such Boat, Barge, or Vessel, to the said Company of Proprietors, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress shall not be redeemed within Six Days after the taking thereof, the same shall and may be appraised and sold, as the Law directs in Cases of Distress for Rent.

The Com-
pany may,
from Time to
Time, vary
the Tolls.

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

Committee of
Management
enabled to
demise the
Tolls.

XCVI. And be it further enacted, That it shall and may be lawful from and after the Term of Three Years from the passing of this Act, for the said Committee of Management, or any Five or more of them, by any Instrument in Writing under their Hands and Seals, to let or demise the said Rates, Tolls, and Duties arising from or to be payable under or by virtue of this Act, for any Term not exceeding Three Years at any one Time, to any Person or Persons, for the highest Rent that can be got for the same, either by public bidding or otherwise: Provided that Two Calendar Months previous Notice be given in some of the public Newspapers circulated in the Counties of *Surrey* and *Sussex*, of the Intention of the said Committee of Management, to lease or demise the said Rates, Tolls, and Duties, and so as that the Person or Persons renting the same shall give satisfactory Security to the said Committee of Management, by Articles in Writing, for the well and true Performance of his, her, or their Bargain, Contract or Agreement with them; and the Person or Persons so renting the said Duties shall have full Power and Authority to ask, demand, collect, and receive the same, and shall in every Respect be deemed and

and taken to be the Collector or Collectors appointed by the said Committee of Management.

XCVII. And be it further enacted, That in order to ascertain the Amount of the clear Profits of the said Navigation and Undertaking, the Committee of Management shall cause to be entered and kept in a Book or Books to be provided for that Purpose, a true and particular Account of the Costs, Charges, and Expences attending the obtaining and passing of this Act, and of all Money already laid out, and which shall hereafter from Time to Time be laid out and expended in or in anywise relating to the making, completing and maintaining of the said Canal, and other Works hereby authorized to be made and carried on, and of all Costs, Charges and Expences, which shall from Time to Time be incurred on account or by Means of the said Navigation, and the several Works thereto belonging respectively, until the same shall be fully made and completed; and that the said Committee shall from and after the said Navigation and other Works shall be fully completed, cause a true, exact, and particular Account to be kept and annually made up and balanced to the Thirtieth Day of *April* yearly, of the Rates, Tolls, and Duties, and other Monies to be collected and received by virtue of this Act, and of the Costs, Charges, and Expences incidental to and attending the supporting, repairing, maintaining and using the said Navigation and other Works; and the said first mentioned Account, as well as every such annual Account as aforesaid, shall at all reasonable Times be open to the Inspection and Perusal of every Person being a Proprietor in the said Navigation.

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

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

Navigation to be free on paying the Tolls.

XCIX. And for the better ascertaining and more easy collecting the said Tolls or Duties, be it further enacted, That the Master, Owner, or other Person having the Care of any Boat, Barge, or other Vessel navigating upon the said Canal or any Part thereof, shall from Time to Time give in a true and just Account in Writing, signed by him, to the Collector or Collectors of the said Tolls, Rates, or Duties, at the Place or Places where they shall attend for that Purpose, of the several Quantities, Qualities,

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

[*Loc. & Per.*]

5 B

Qualities,

Qualities, and Weight of the Goods, Wares, Merchandize, and Commodities contained in every such Boat, Barge, or other Vessel, and of the Place from whence brought, and where intended to be landed or carried; and also of the Quantities, Qualities and Weight of such Goods, Wares, Merchandize or Commodities, as shall have been discharged or taken out of such Boat, Barge, or other Vessel within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and if the Goods, Wares, Merchandize or Commodities on board any such Boat, Barge, or other Vessel shall be liable to the Payment of different Rates, then such Master, Owner, or other Person shall specify the Quantities liable to the Payment of each Rate; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account, or refuse to produce his Invoice or Bill of Lading to such Collector or Collectors, if demanded, or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods at any other Place or Places than what shall be mentioned in such Account, every Person so offending shall forfeit and pay to the said Company of Proprietors, the Sum of Forty Shillings for every such Offence, over and above the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandize, or Commodities.

Penalty for Neglect.

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

C. And be it further enacted, That if any Difference shall arise between any Collector of the said Tolls, Rates, or Duties, and the Master or Person having Charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, Merchandize or other Commodities on board thereof, concerning the Weight or Quantity of any such Goods, Wares, Merchandize, or Commodities, it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, and gauge, or to cause to be weighed, measured, and gauged, all such Goods, Wares, Merchandize and Commodities as shall be therein contained; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than such Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, affirmed or stated the same to be, then the said Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, shall pay the Costs and Charges of such weighing, measuring, and gauging; and such Costs and Charges, in case of Refusal of Payment thereof upon Demand, shall and may be levied and recovered in the same Manner as the said Tolls, Rates, or Duties are hereby appointed to be levied and recovered; but if such Goods, Wares, Merchandize, and Commodities shall appear to be of the same Weight and Quantity, or of less Weight and Quantity than the said Master, Owner, or other Person, declared the same to be, then the said Company of Proprietors shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize and Commodities, such Damages as shall appear to the aforesaid Commissioners, or to any Two or more of His Majesty's Justices of the Peace acting in and for the Counties of *Surrey* and *Sussex*, or either of them, on Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; but in case it shall at any Time, either in the First Instance, or after such Sum as aforesaid shall have been recovered from the said Company, be made to appear to the said Commissioners or Justices respectively, upon the Complaint of the

the said Company of Proprietors, or any of their Officers, and upon the like Oath of One or more credible Witness or Witnesses, that such Stoppage and Detention and weighing, measuring, and gauging, was without reasonable Ground of Belief, or vexatious on the Part of such Collector, then the said Collector shall himself pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize and Commodities, such Damages as shall appear to the aforesaid Commissioners or Justices respectively, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention; and in Default of immediate Payment thereof by the said Company of Proprietors, or by such Collector, as the Case may be, the same shall be recovered from the said Company of Proprietors, or the said Collector, as the Case may be, by Distress and Sale of their or his Goods and Chattels, by Warrant under the Hands and Seals of the said Commissioners or Justices respectively, or otherwise, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

CI. And be it further enacted, That at any Time or Times after the said Company of Proprietors shall have selected, taken, or marked out such Pieces of Land for public Wharfs, Quays, and Landing Places along the Line of the said Canal, which they the said Company, at the Time of first marking and setting out the Ground for the Line of the said Canal, shall deem it expedient to take or mark out for those Purposes, it shall be lawful for the Lord or Lords, Owner or Owners of any Manor, Lands or Grounds through which the said intended Canal shall be made, to make, erect, and set up, either for his, her, or their own private Use, or for the Use of the Public, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams or Warehouses, in or upon his, her, or their respective Waste Lands or Grounds adjoining or near to the said Canal, and to make and lay out proper Ways and Roads to the same, across any Lands belonging to the said Company of Proprietors, and to land any Goods or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal; and also to make and use proper and convenient Places for Boats, Barges, and other Vessels to lie and turn in and pass each other, so that the making or using thereof respectively do not obstruct or prejudice the Navigation of the said Canal, or the Passage on the Towing Paths on the Sides thereof; and that all Rates or Tolls which shall be demanded and paid for the Use of such of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams and Warehouses respectively, as shall be erected by such Lord or Lords, Owner or Owners, for the Use of the Public, shall be and the same are hereby accordingly vested in the Lord or Lords, Owner or Owners of such Manors, Lands, or Grounds, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses as aforesaid, and his, her or their respective Heirs and Assigns, so that the Rates, Tolls, and Duties hereby granted to the said Company of Proprietors for Tonnage, be not thereby reduced or altered, or any of the Provisions of this Act be hindered or prevented being fully carried into Effect.

CII. And be it further enacted, That if any such Lord or Lords, Owner or Owners shall not, within the Space of Three Calendar Months next But if they refuse, when required, by

the Company,
then the Com-
pany may
erect the same.

next after Notice or Warning in Writing shall be given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, under the Hand of the said principal Clerk, on Behalf of the said Company of Proprietors, stating that any Part or Parts of his, her, or their Waste Lands or Grounds, is or are necessary or proper for erecting and making any public Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, or for making and laying out of any Road or Roads for the Conveyance of Goods to and from the said Canal, give Notice in Writing to the said principal Clerk of his, her, or their Intention to erect and make, and shall not forthwith proceed to erect and make, and within Six Calendar Months from the Date of such last mentioned Notice make, erect, and lay out, and afterwards from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams, Warehouses and Roads for the Use of the Public as the Commissioners appointed by this Act shall judge necessary, on the respective Part or Parts of the Wastes, Lands or Grounds to be described in such Notice; then and in such Case the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to take and make use of such Part or Parts of such Waste Lands or Grounds, for erecting and building proper and sufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams and Warehouses, and for making and laying out necessary and convenient Roads to and from the said Canal, agreeably to such Notice so given by the said Principal Clerk as aforesaid; they the said Company of Proprietors first making Satisfaction for the same in such Manner as is herein-before directed with respect to any other Lands or Grounds which shall be taken or used by the said Company for the Purposes of this Act.

Regulations
respecting
Wharfs.

CIII. 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 Wharfs, Quays, Landing Places, Cranes, Weigh Beams or Warehouses which shall be made, erected or set up by the Lord or Lords, Owner or Owners of any Manor, Lands or Grounds adjoining or near to the said Canal, for his, her or their own private Use only, or to erect or set up any Cranes or Weighing Machines in or upon any such private Wharfs, Quays or Landing Places, without the Consent in Writing of such Lord or Lords, Owner or Owners: Provided also, that no Sum exceeding Three-pence *per* Ton shall be demanded and taken by the said Company of Proprietors, or by any such Lord or Lords, Owner or Owners, who shall make erect or build any such Wharfs, Quays or Landing Places, and make, or lay out any such Roads for the Use of the Public as aforesaid, for the Wharfage of any Coals, Culm, Limestone, Clay, Iron, Ironstone, Lead Ore or any other Ores, Timber, Stone, Bricks, Tiles, Slates, Gravel, Hay, Straw, Corn in the Straw, or Manure whatsoever, which shall be placed upon any of the Wharfs or Quays upon or adjoining to any Part of the said Canal, and continue thereupon for any Time not exceeding Twenty-eight Days; and that no Sum exceeding Two-pence *per* Ton for the Wharfage of any other Goods, Wares, Merchandize or Commodities whatsoever, which shall be placed upon any such Wharfs or Quays, or continue thereon for any Time not exceeding Ten Days; but if any of the Articles before specified, or any other Goods, Wares, Merchandize or Commodities shall be left and remain upon any such Wharfs or Quays for any Time over and
above

above the Time limited for the same respectively, then the Owner or Owners thereof shall pay to the said Company, or other the Proprietors of such Wharfs, Quays or Landing Places respectively, any further Sum not exceeding One Penny *per* Ton, for every Day which the same shall remain upon such Wharfs or Quays after the Expiration of the Times before limited for the same respectively: Provided always, and it is hereby declared, that the taking or receiving of any such Wharfage, Toll or Duty by any Owner or Owners, Lessee or Lessees, Occupier or Occupiers, or other Person or Persons having the Care and Management of any such Wharf, Quay, or Landing Place shall be deemed a sufficient Appropriation of such Wharf, Quay, or Landing Place, to and for the Use of the Public, within the true Intent and Meaning of this Act; and the same shall from thenceforth be deemed and taken to be, and shall continue to be, a public Wharf, Quay, or Landing Place accordingly: Provided also, that nothing herein contained shall prevent the several and respective Proprietors, Builders or Lessees of any such Warehouses, Cranes, Stables, Sheds, Docks and other Conveniences, from receiving and having for the Use of the same respectively, such Rent, Hire or Recompence for the Use thereof, as they may reasonably deserve to have.

CIV. And be it further enacted, That the Lands, Dwelling Houses, Wharfs, Warehouses, Lockhouses, and other Houses of and belonging to the said Company, shall be rateable and chargeable to the Maintenance of the Poor, and to all other Parochial Rates and Taxes in the several Parishes and Places where they are respectively situated, the Lands according to the Quantity and Quality, and the Dwelling Houses, Wharfs, Warehouses, Lockhouses, and other Houses, according to the Nature and respective Uses, Dimensions and Descriptions thereof; and shall be charged and assessed in like Manner as Lands of a like Quality, and Dwelling Houses, Wharfs, Warehouses, Lockhouses, and other Houses of a like and similar Size, Nature, Dimension or Description, in the respective Parishes where the same shall be situate, are or shall be assessed and charged; and that the Rates, Duties and other Personal Property of the said Company liable to be rated to the Poor or other Parochial Taxes, in any such Parishes or Places shall be rated and assessed, in like Manner and in the same Proportion as other Personal Property, rateable in the said Parishes and Places respectively, shall be rated and assessed, and according to the Length of the Line of the said Navigation, in such respective Parishes and Places, and not otherwise, or in any other Manner: Provided, that before such Personal Property shall be rated, Fourteen Days Notice shall be given in Writing to, or left at the Dwelling House or usual Place of Abode of the Treasurer or Treasurers, or Clerk, or any other Officer of the said Company, residing in the Parish or Place where such Rate shall be intended to be made, by the respective Overseers of the Poor, of their Intention so to do.

CV. And be it further enacted, That no Person or Persons shall use or navigate on the said Canal, any Boat, Barge or other Vessel, but such as shall be built and constructed agreeably to a Plan or Model to be determined on and settled by the said Committee of Management; and so that the same be built and constructed as in no respect to injure or damage or tend to injure or damage the Lining, Puddling, or other Works of the said Canal.

[*Loc. & Per.*]

5 C

CVI. And

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

Boats, &c. to
be gauged,
when required
by the Com-
pany;

Graduated
Figures to be
painted on the
Vessels, de-
noting their
Weight.

CVI. And for the better regulating of the Masters or Owner of Boats and the Bargemen and others employed by or under them respectively, and for the more easy detecting of any Thing to be done by them contrary to the Directions of this Act; be it further enacted, That every Owner, Master or Person having the Charge or Command of any Boat, Barge or other Vessel (not being a Pleasure Boat) navigating and passing upon the said Canal, shall cause his or her Name and Place of Abode, and the Name or Number of his or her Boat, Barge or other Vessel, to be entered with the Clerk to the said Company of Proprietors, and shall also cause the Name of such Owner or Owners, and the Name or Number of such Boat, Barge or other Vessel, to be painted on a Black Ground, in large White Capital Letters and Figures Four Inches high at least, and of a proportionable Breadth, on the Outside of the Stern of every such Boat, Barge or other Vessel, so high, that no Part of such Letters or Figures shall be under Water, when such Boat, Barge or other Vessel shall be fully laden; and that every Owner, Master or Person having the Charge or Command of any such Boat, Barge or other Vessel, shall from Time to Time, when thereto required, permit and suffer the same to be gauged and measured by such Person or Persons as shall be appointed for that Purpose, by the said Company of Proprietors, or their Committee of Management; and shall also at his, her or their own Costs and Charges, fix or cause to be fixed on each Side of every such Boat, Barge or other Vessel, Two Indexes of Copper, Lead or other Metal of such graduated Figures, denoting the Weight or Tonnage, at such Distances, and under such Regulations as the said Company of Proprietors, or their Committee of Management, shall from Time to Time direct and appoint, so that the true Weight of the Lading of every such Boat, Barge, or other Vessel may at all Times clearly appear; and that every Owner, Master or other Person having the Charge or Command of any Boat, Barge or other Vessel, who shall navigate such Boat, Barge or other Vessel upon the said Canal, without having such Names, Marks and Figures thereon as herein-before directed, or who shall refuse or neglect to put, and renew the same as often as may be thought necessary by the said Committee of Management, or who shall alter, erase, deface or destroy the same or any Part thereof; or shall put any false Names, Marks or Figures on such Boat, Barge, or other Vessel; or who shall refuse to permit such Boat, Barge, or other Vessel to be gauged and measured as aforesaid; or who shall give a false Account of the Lading on board of any such Boat, Barge, or other Vessel, to the said Collectors; or who shall cause or permit such Boat, Barge or other Vessel to be at any Time loaded or unloaded without a Stage being laid from the Side of such Boat, Barge, or other Vessel, to the Bank of the said Canal, in order to prevent any Dirt or Rubbish falling into the same, shall, for every such Offence respectively, forfeit and pay any Sum not exceeding Five Pounds.

Owners of
Boats answer-
able for Da-
mage done by
the r B ats,
Horses or
Servants.

CVII. And be it further enacted, That the Master or Owner of every Boat, Barge, or other Vessel, navigating or passing upon the said Canal, shall be and he is hereby made answerable for all such Damage, Spoil or Mischief as shall be done by his Boat, Barge, or Vessel, or the Horses used in drawing the same, or by any of the Boatmen, Watermen or others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Trenches, Sluices, or other Works, in, upon or belonging to the said Canal, either by loading or unloading or navigating any such Boat, Barge or other Vessel, or by any other

other Means whatsoever, and also for any Trespafs or Damage that shall or may be committed or done to the Owners or Occupiers of any Buildings, Lands or Tenements, adjoining or lying near the said Canal, by leaving open Gates or otherwise, and for any Trespafs whatsoever, contrary to the said several Directions and Restrictions in this Act contained, or any of them; such Trespafs or Damage to be ascertained and recovered in like Manner as any Penalty can or may by virtue of this Act be ascertained and recovered; and if the Owner or Owners of any Boat, Barge or any other Vessel navigating or passing on the said Canal, shall be compelled to make a Satisfaction for any Damages by reason of any wilful Act, Neglect or Default of his or their Servant or Servants, Boatmen or Watermen, then and in such Case every such Servant, Boatman and Waterman, shall be liable to repay such Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Non-payment thereof upon Demand, the same shall be recovered in any Manner as any Penalty can or may by virtue of this Act be recovered.

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

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

Places made for Boats to turn and pass each other.

CIX. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat, Barge or other Vessel, which shall pass through any Lock to be made upon the said Canal, shall suffer the Water to remain in such Lock longer than is necessary for his Boat, Barge or other Vessel to pass through the same; and that every such Boatman or other Person as aforesaid, on going down the said Canal from the higher to the lower Levels thereof, shall, previously to his bringing his Boat, Barge or other Vessel, into any Lock, shut the lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Sluices of the upper Gates thereof; and after he shall have brought his Boat, Barge or other Vessel, into the said Lock, he shall then shut the upper Gates thereof, and the Sluices thereto belonging, before he shall draw the Sluices of the lower Gates thereof; and in going up the said Canal towards a higher Level thereof, such Boatman or other Person shall, as soon as he shall have passed with his Boat, Barge or other Vessel, out of the said Lock, shut up 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

Regulations for Boats in passing the Locks.

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 Locks 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 Forty Shillings.

To prevent
Lock Keep-
ers giving
any Prefer-
ence to
Boats.

CX. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the said Company of Proprietors shall give any undue Preference, or shew any Partiality to any Boat, Barge or other Vessel in passing through any Lock or Locks upon the said Canal, or in loading or unloading any Goods, Wares, Merchandize or Commodities, 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 Twenty Shillings.

Two Boats
may pass
Locks toge-
ther in certain
Cases.

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

Boats, &c.
obstructing
the Naviga-
tion, to be
removed.

CXII. And be it further enacted, That if any Boat, Barge or other Vessel, shall be placed in any Part of the said Canal, or of the Trenches, Sluices or Passages belonging thereto, so as to obstruct the Navigation or Passage thereon, and the Person having the Care of such Boat, Barge or Vessel, shall not immediately remove the same, or alter the Position thereof, upon Request made for that Purpose, he shall, for every such Offence, forfeit a Sum not exceeding Twenty Shillings, and shall moreover forfeit a Sum not exceeding Five Shillings for every Hour during which such Obstruction shall continue, after such Request for removal thereof shall be made as aforesaid; and that it shall be lawful for any of the Collectors, Agents or Servants of the said Company of Proprietors, to cause any such Boat, Barge or other Vessel to be unladen, if necessary, and to be removed in such Manner as shall be requisite for preventing any further Obstruction therefrom, and to seize and detain such Boat, Barge or other Vessel, and the Lading thereof, or any Part of such Lading, until the said Penalty or Penalties and the Charges of such unloading and removal shall be paid; and that if any Boat, Barge or other Vessel shall be sunk in any Part of the said Canal, and the Owner or Owners, or Persons having the Care of such Boat, Barge 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, or any of them, to cause such Boat, Barge or other Vessel to be weighed and drawn up, and to detain and keep the same, until Payment shall be made of all Expences thereby necessarily incurred or occasioned.

Boats sunk, to
be weighed
up.

CXIII. And.

CXIII. And be it further enacted, That if any Person or Persons navigating or having the Care of any Boat, Barge or other Vessel, upon the said Canal, or any Part thereof respectively, shall, with Intent to avoid the Payment of any of the said Tolls, Rates or Duties, load, unload or take into any such Boat, Barge or other Vessel, any Goods, Wares, Merchandise or Commodities whatsoever, liable to pay any of the Tolls, Rates or Duties herein-before mentioned, at any other Place or Places than at the Public 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 of Management, or some one of the Agents or Collectors of Tolls to the said Company of Proprietors; or if any Person shall do any other Act with Intent to evade the Payment of any of the said Tolls, Rates or Duties, every Person so offending shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds.

Penalty on Persons taking or unloading Goods, unless at a private or public Wharf.

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

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

CXV. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal, without the Consent of the Committee of Management, or of some Collector or Agent to the said Company of Proprietors, or shall navigate on the said Canal any Boat or Vessel laden with Timber, which shall lie over the Sides of such Boat or Vessel, in such a Way as to obstruct the Passage of any other Boat or Vessel, and shall not immediately upon Notice given of such Obstruction haul or draw back such Boat or Vessel into such Place or Places as shall be made or be proper for Boats or other Vessels to pass each other, or shall not otherwise remove the same so as to make a free Passage for other Boats or Vessels; or if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing into any Part of the said Canal or Reservoirs, or into any Trenches, Sluices or Passages for Water, to be made in pursuance of this Act; or if any Person or Persons shall wantonly or unnecessarily open or draw, or cause to be opened or drawn, any Lock, Paddle, Valve or Sluice belonging to the said intended Navigation, or shall snare, angle or take any Fish out of the same, or shall wilfully flush or draw off, or cause

Penalties on Persons floating Timber on the Canal, or otherwise obstructing the Navigation;

and Persons throwing Ballast or Rubbish into Canal.

Penalty on Persons opening Locks, &c. and wasting to Water.

to be flushed or drawn off the Water from any Part of the said Navigation or Reservoirs; or shall leave any of the Gates or Sluices of any Lock open after any Boat or other Vessel shall have passed through the same (except in such Cases as herein-before otherwise ordered); or shall wilfully obstruct, hinder or prevent any Person in the Execution of this Act, every Person so offending shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds.

Penalty on
Persons wil-
fully destroy-
ing the Bank.

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

Penalty for
leaving Rub-
bish on Tow-
ing Paths.

CXVII. And be it further enacted, That if any Person or Persons shall throw, cast or lay on any Part of any Bank or Towing Path belonging to the said Canal, any Dung or other Manure, Dust, Ashes, Rubbish or other Matter, otherwise than on the Wharfs and other Places to be made and provided for the loading and unloading of Goods, Wares and Merchandize, every such Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings; to be recovered and applied in such Manner as other Penalties under this Act are directed to be recovered and applied.

Penalty on
Bargemen
carrying
Guns or Nets
to take or
destroy Fish
or Game.

CXVIII. And be it further enacted, That if any Person or Persons navigating or working, or being on board any Boat, Barge, or other Vessel upon the said Canal, shall carry with him or them, or have on board any Boat, Barge, or other Vessel, any Fishing-net, Gun, Engine, or other Instrument for taking or destroying Fish or Game (not being qualified by Law so to do), such Person or Persons shall for every such Offence, being convicted thereof before any One Justice of the Peace, on the Confession of the Party offending, or on the Oath of One or more credible Witnesses or Witneses, forfeit and pay any Sum not exceeding Five Pounds; and in case any Master or other Person having the Rule or Command of any Boat, Barge or other Vessel, shall knowingly suffer or permit any Person or Persons (not being duly authorized so to do) to have, carry on board, or make use of any Fishing-net, Gun, Engine or other Instrument for taking or destroying any Fish or Game, every such Master or Person shall, for every such Offence, being in Manner aforesaid convicted thereof, forfeit and pay any Sum not exceeding Five Pounds.

Right of
Fishery re-
served to
Lords of
Manors, &c.

CXIX. And be it further enacted, That the Lord or Lords, or Owner or Owners of all and every Manor or Manors through which the said Canal shall be made, shall have and be entitled to the several and exclusive Right of Fishery of and in so much of the said Canal as shall be made through the Common or Waste Lands within his, her or their Manor or Manors respectively, or through any other Lands or Grounds lying within such Manor or Manors wherein such Lord or Lords, or Owner or Owners

now

now have, or hath or are or is entitled to the Right of Fishery in the Brooks and Waters now being in such last-mentioned Lands or Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through or in which the said Canal and Reservoirs shall be made, shall also have and be entitled to the like Right of Fishery of and in so much of the said Canal and Reservoirs as shall be made through or in his, her or their Lands or Grounds, so as by the Use and Exercise of any such Right of Fishery as aforesaid, the said Canal, or the Towing Paths, Banks, or other Works and Conveniencies hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or extracted from or out of the said Canal or Reservoirs; and so as the said Company of Proprietors, or their Agents, Servants or Workmen, or any of them, shall not be liable to any Penalty, Action or Prosecution for or by Reason of the taking or destroying of any such Fish in the said Canal and Reservoirs, which shall be taken, killed or destroyed through or by Means of the necessary letting off the Water out of the same respectively, for or on account of any Repairs or Works to be done in or about the same.

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

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

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

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

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

Navigation not to be subject to Commissioners of Sewers.

CXXIII. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damages in his, her or their

Remedy for Damages not before provided for.

their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers given, for which a Compensation is not herein-before provided, then and in every such Case such Damages shall from Time to Time be settled and ascertained by the Commissioners appointed by this Act, or assessed by a Jury; and the Sum or Sums of Money to be paid for the same shall be levied, recovered, and applied in such and the same Manner as is herein-before directed with respect to such Damages as are herein-before provided for, and the Money to be paid as a Recompence for the same.

Tolls payable
on the Arun
Navigation,
to be reduced
to One Shil-
ling per Ton,
on Goods
passing from
Arundel Port
into the Wey;
and vice versa.

CXXIV. And whereas in and by a certain Act of Parliament made and passed in the Twenty-fifth Year of His present Majesty's Reign, intituled *An Act for amending and improving the Navigation of the River Arun from Houghton Bridge, in the Parish of Houghton, in the County of Sussex, to Pallenham Wharf, in the Parish of Wisborough Green, in the said County, and for continuing and extending the Navigation of the said River Arun from the said Wharf called Pallenham Wharf, to a certain Bridge called New-bridge, situate in the Parishes of Pulborough and Wisborough Green, in the said County of Sussex*, the Company of Proprietors of the River *Arun* Navigation thereby constituted and appointed, their Successors or Assigns, were authorized and empowered to ask, demand, recover, and receive such Sum and Sums of Money, Rates, and Duties, for the Passage of Boats, Barges, Lighters, or other Vessels, upon the said River, and upon the Cut and Canals intended to be made navigable by virtue and in pursuance of the said Act, as should from Time to Time be ascertained and settled by the said Company of Proprietors, their Successors or Assigns, or the major Part of them, not exceeding the several Duties and Rates therein specified: And whereas the said Company of Proprietors of the River *Arun* Navigation have consented and agreed to reduce the Rates and Duties now demandable by, and payable to them under and by virtue of the Provisions of the said Act of Parliament, and instead and lieu of the said Rates and Duties thereby imposed and made payable, to have, receive, and take for all Goods, Wares, and Merchandize whatsoever, that shall pass or be carried or conveyed from the Port of *Arundel* on and throughout the said River *Arun* Navigation, and the said *Wey* and *Arun* Junction Canal, into the River *Wey*, or from the said River *Wey* on and throughout the said *Wey* and *Arun* Junction Canal, and the said River *Arun* Navigation, to the Port of *Arundel*, the Sum of One Shilling *per* Ton only: Now be it further enacted by the Authority aforesaid, That from and after the passing of this Act, and the said *Wey* and *Arun* Junction Canal being made or becoming navigable throughout, the said Company of Proprietors of the River *Arun* Navigation, their Successors or Assigns, or such Person or Persons as they, or any Three or more of them, by Writing under their Hands, shall nominate and appoint for that Purpose, from Time to Time, and at all Times thence-after, and at such Place or Places as the said Company of Proprietors of the River *Arun* Navigation, their Successors or Assigns, or any Three or more of them, shall appoint for that Purpose, to ask, demand, recover and receive for all Goods, Wares, and Merchandize whatsoever, that shall pass or be carried or conveyed from the Port of *Arundel* on and throughout the said River *Arun* Navigation, and the said *Wey* and *Arun* Junction Canal, into the River *Wey*, or from the said River *Wey* on and throughout the said *Wey* and *Arun* Junction Canal, and the said River *Arun* Navigation, to the Port of *Arundel*, the Sum of One Shilling *per* Ton and no more.

CXXV. Provided always, and be it further enacted, That for the better enabling the said Company of Proprietors of the said River *Arun* Navigation to recover and collect the Tolls, Rates, and Duties, for the Goods, Wares, and Merchandize that shall pass, or be carried or conveyed from the said *Wey* and *Arun* Junction Canal, into the said River *Arun* Navigation, or from the said River *Arun* Navigation into the said River *Wey* and *Arun* Junction Canal, that it shall and may be lawful to and for the said Company of Proprietors of the said River *Arun* Navigation to employ such Person or Persons from Time to Time, as they or any Three or more of them may think proper, upon the said *Wey* and *Arun* Junction Canal, for the Purpose of preventing any Evasion of the Payment of the Tolls, Rates, and Duties to which such Goods, Wares, and Merchandize will be liable or subject to, under a Pretence that such Goods, Wares, and Merchandize was or were liable or subject to the Payment of the reduced Toll, Rates, and Duties only as in the Cases before-mentioned, or under any other Pretence whatsoever, so as such Person or Persons to be so employed in Manner aforesaid, do not in any Manner whatever impede, hinder, or obstruct the Navigation of the said *Wey* and *Arun* Junction Canal.

The Arun Navigation Company to be at Liberty to employ any Person or Persons on the Land to prevent the Evasion of their Tolls.

CXXVI. Provided always, and be it further enacted, That in case the said intended Canal shall not have been completed and made navigable, so that Boats and Barges may pass along the whole Line thereof (unless prevented by Floods or Tempests or other inevitable Accidents) within the Space of Ten Years to be computed from the passing of this Act, then from and immediately after the Expiration of the said Term of Ten Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine; save only and except as to so much (if any) of the said intended Canal communicating with the River *Wey* and so much (if any) of the said intended Canal communicating with the River *Arun*, as shall have been completed and made navigable, so that Boats and Barges may pass along the same respectively, within the said Term of Ten Years, and as shall have been declared to have been so made navigable within the said Term, by the Justices of the Peace of the said Counties of *Surrey* and *Sussex* respectively, or either of them assembled at any Quarter Sessions of the Peace to be holden in and for the said Counties respectively, at any Time before the Expiration of the said Term of Ten Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of Witnesses upon Oath to be produced before them for that Purpose.

If Canal not complete within the Space of Ten Years this Act to cease.

CXXVII. And be it further enacted, That all Complaints and Informations of Offences against this Act, or any Rule, Order, or Bye Law to be made in pursuance thereof, (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed,) shall and may be made before any One or more Justice or Justices of the Peace in the County or Place wherein the Offence shall be committed; and such Justice or Justices is and are hereby authorized and empowered to take Cognizance thereof, and to summon the Person or Persons complained of to appear before him or them; and upon the appearing and not appearing of such Person or Persons, pursuant to such Summons, to hear the Matter of every such Complaint and Information, by Examination of any Witness or Witnesses upon Oath, and to make such Determination thereon as such Justice or Justices shall think proper; and upon the Conviction of any Person, such Justice or Justices shall and may issue a Warrant, under his

Recovery of Penalties.

[Loc. & Per.]

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or

or their Hand and Seal or Hands and Seals, for levying the Fine, Penalty or Forfeiture, by virtue of this Act imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted; and all such Fines, Penalties, and Forfeitures, when recovered, after rendering the Overplus (if any) when demanded, to the Owner of such Goods and Chattels (the Charges of such Distress and Sale being first deducted) shall (where the Application is not otherwise directed by this Act) be paid into the Hands of the Treasurer or Treasurers to the said Company of Proprietors, and shall be applied and disposed of towards defraying the Expences of the said Navigation; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty or Forfeiture cannot be found, whereon to make such Distress, and such Fine, Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he or they is and are hereby authorized and required by Warrant, under his or their Hand and Seal, or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction, for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

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

Conviction.

to wit. } ' BE it remembered, That on
 ' [Name of Offender] of [addition of Offender] was duly convicted before
 ' me [or, us] [Name and Stile of convicting Justice or Justices] for that the
 ' said [Name of Offender] on [Time of committing
 ' Offence] at [Place of committing Offence] did [here state the Offence against
 ' the Act according to the Fact] contrary to the Form of the Statute made
 ' in the Fifty-third Year of the Reign of His Majesty King George the Third,
 ' intituled [here set forth the Title of this Act] and I [or, we] do there-
 ' fore declare and adjudge that the said [Name
 ' of Offender] has forfeited for the said Offence, the Sum of [Fine] or
 ' shall be committed to [Place of Imprisonment] for the Space of [Time of
 ' Imprisonment]. Given under my Hand and Seal, [or, our Hand and Seals]
 ' the Day and Year first above written.'

Persons tak-
 ing a Distress
 irregularly,
 not to be
 deemed Tres-
 passers ab
 initio.

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

CXXX. And

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

Proceedings not to be quashed for want of Form or removable by *Certiorari*.

CXXXI. Provided always, and be it further enacted, That any Person or Persons thinking himself or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may within Four Calendar Months after such Order shall be made or given, complain to the Justices of the Peace at the General Quarter Sessions of the Peace to be held in and for the County where the Cause of Appeal shall arise, and not elsewhere; the Person or Persons appealing having first given at least Fourteen Days clear Notice of such Appeal, and of the Nature and Matter thereof to the Person or Persons appealed against, or to the principal Clerk of the said Company, and forthwith after such Notice entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace, to be held for such County or Place, or if they think proper, adjourn the hearing thereof to the next General Quarter Sessions of the Peace to be held for such County; and if they see Cause, may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they shall judge reasonable and proper; and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes whatsoever.

Appeal given to the Quarter Sessions.

CXXXII. And be it further enacted, That if any Action, Suit or Information shall be brought or commenced by any Person or Persons, for any Thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions herein-before given or granted, every such Suit or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed; or in case there shall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards; and shall be laid or brought in the County where the Matter in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may 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 Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his or their Action or

Limitation of Actions.

General Issue.

Actions,

Actions, Suit or Information, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass upon the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same as any Defendant or Defendants hath or have for Costs in other Cases by Law.

Public Act.

CXXXIII. And be it further 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 others, without being specially pleaded.

The SCHEDULE to which the foregoing Act refers.

Counties and Parishes.	Owners.	Occupiers.	Description of Property.
SURREY.			
Bramley - - -	The Right Hon. Lord Grantley - - -	Himself - - -	{ Park or Lands with- in a Pale Fence.
Wonerth - - -	George Mitchell, late Thomas Rouse - - -	William Saxton -	Garden.
Halscomb - - -	John Trigg - - -	Himself - - -	D ^o
SUSSEX.			
Wiborough Green -	Edward Napper, Esq.	Himself - - -	{ Orchard or Lands planted with Fruit Trees.
D ^o - - -	General Onslow - -	John Hemmings -	Garden.

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