



ANNO QUINQUAGESIMO NONO

GEORGI II. REGIS.

Cap. civ.

An Act for giving further Powers to the Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, and to the Company of Proprietors of the *Wey* and *Arun* Junction Canal, and to confirm an Agreement entered into between the said Companies. [21st June 1819.]

WHEREAS by an Act passed in the Fifty-seventh Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Canal from the River Arun to Chichester Harbour, and from thence to Langstone and Portsmouth Harbours, with a Cut or Branch from Hunston Common to or near the City of Chichester, and for improving the Navigation of the Harbour of Langstone and Channels of Langstone and Thorney*, several Persons therein named were united into and made a Body Politic and Corporate by the Name of "The Company of Proprietors of the *Portsmouth* and *Arundel* Navigation," for carrying the Purposes of the said Act into execution; and the said Company of Proprietors were, amongst other Things, authorized and empowered by the said Act to make and keep navigable and passable for Boats, Barges, and other Vessels a Canal from the River *Arun*, at or near to a certain Public House called the *Ship and Anchor*, in the Parish of *Ford*, in the County of *Sussex*, to the Harbour of *Chichester*, at or near to a certain Place called the *Salterns*, in the Parishes of *Birdham* and *Itchenor*, in the said County of *Sussex*, in, to, or through the several Parishes of *Ford*, *Tapton*,
[Local.] 31 H Barnham, 57 G. 3. c. 63.

Barnham, Aldingbourn, Birsted, Oving, Merston, North Mundham, Hunston, Donnington, Appledram, Birdham, and Itchenor, some or one of them in the said County of *Sussex*; and also to make and keep navigable and passable for Boats, Barges, and other Vessels another or Branch Canal from and out of the Main Line of the said Canal, at or near to a certain Place called *Hunston Common*, in the said Parish of *Hunston*, to a certain Place near to *Southgate* in the Parish of *Saint Bartholomew*, at or near the City of *Chichester* in the said County of *Sussex*, in, to, or through the several Parishes of *Hunston, Donnington, Rumboldswyke, Saint Pancras, Saint Peter the Great*, or the Subdeanery, and *Saint Bartholomew*, or some or one of them; and also to make, deepen, and keep navigable and passable for Boats, Barges, and other Vessels the Channels of *Thorney* and *Hayling*, and the Harbour of *Langstone*, in, through, or near the several Parishes of *West Thorney* and *Westbourne*, or one of them, in the said County of *Sussex*; and also in, through, or near the several other Parishes of *North Hayling, Warblington, Havant, Bedhampton, and Portsea*, or some or one of them, in the County of *Southampton*; and also to make and keep navigable and passable for Boats, Barges, and other Vessels another Canal from the said Harbour of *Langstone*, at or near to a certain Marsh belonging to *James Knight*, in the Parish of *Wymering* in the said County of *Southampton*, to the Harbour of *Portsmouth*, at or near to a certain Meadow belonging to *Richard Pittis*, in the Parish of *Wymering* in the said County of *Southampton*, in, to, or through the several Parishes of *Farlington, Wymering, and Widley*, or some or one of them, in the said County of *Southampton*; and also to make and keep navigable and passable for Boats, Barges, and other Vessels another Canal from the said Harbour of *Langstone*, at or near to certain Lands lately inclosed and heretofore called *Milton Common*, in the Parish of *Portsea*, to at or near a certain Place called the *Half-way-houses*, in the said Parish of *Portsea*, in, to, or through the said Parish of *Portsea* in the said County of *Southampton*: And whereas it will be of great public Benefit, and greatly increase the Trade of the City of *Chichester*, to make that Part of the Main Line of the said Canal from the River *Arun* to the said Harbour of *Chichester*, authorized to be made by the said recited Act, leading from *Hunston Common* aforesaid to the said Harbour of *Chichester*, and the other or Branch Canal from *Hunston Common* aforesaid, to or near to *Southgate*, at or near the said City of *Chichester*, of a sufficient Depth for Vessels of One hundred Tons Burthen to navigate thereon; and it will also be of considerable Advantage and public Utility to make the said Canal authorized to be made from the said Harbour of *Langstone* to the said Place called the *Half-way-houses*, in the Parish of *Portsea* in the County of *Southampton*, of a sufficient Depth to admit and allow Vessels of the Burthen of One hundred and fifty Tons to pass and re-pass thereon: And whereas to make the said Parts of the said Canals of a sufficient Depth for the Purposes aforesaid it will be necessary to expend larger Sums of Money thereon than in the making the other Parts of the said Navigation, Cuts, or Canals; and it is therefore expedient to allow the said Company of Proprietors to take increased Tolls and Wharfage on those Parts of the said Canals to be made of such Depth as aforesaid: And whereas it will be necessary for the said Company of Proprietors to have Power to make a Road from their Basin or Works, at or near to *Southgate* aforesaid, to the said City of *Chichester*, for the Conveyance of Goods, Wares, and Merchandize conveyed on the said Canal: And whereas considerable Expence will be saved to the said Company of

Proprietors, and the intended Navigation between *Langstone* and *Portsmouth* Harbours be much shortened, if the said Company were authorized to widen, deepen, and make and keep navigable and passable for Boats, Barges, and other Craft, a certain natural Creek called *Portsbridge Creek*, which unites the said Harbours of *Portsmouth* and *Langstone*, instead of making the said intended Canal from the said Harbour of *Langstone*, at or near the said Marsh of *James Knight*, into the said Harbour of *Portsmouth*, at or near the said Meadow of *Richard Pittis*, described in the said recited Act: And whereas by an Act passed in the Fifty-third Year of His present Majesty's Reign, intituled *An Act for making and maintaining a Navigable Canal to unite the Rivers Wey and Arun in the Counties of Surrey and Sussex*, certain Persons therein named were united and made into a Body Politic and Corporate by the Name of "The Company of Proprietors of the *Wey* and *Arun* Junction Canal," for the Purpose of making and maintaining a Navigation to unite the Rivers *Wey* and *Arun*, which said Canal is connected with the said intended Navigation between the River *Arun* and *Portsmouth*, to be established under the Authority of the said recited Act of the Fifty-seventh Year of His Majesty's Reign: And whereas the said Company of Proprietors of the *Wey* and *Arun* Junction Canal have proceeded to put the said Act, passed in the Fifty-third Year of His present Majesty's Reign, in execution, and have nearly completed the Navigation and other Works thereby authorized to be made: And whereas, for the Encouragement and Support of the Navigation between the River *Thames* and *Portsmouth*, the said Company of Proprietors of the *Wey* and *Arun* Junction Canal, and the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, have entered into certain Articles of Agreement, bearing Date the First Day of *September* in the Year One thousand eight hundred and eighteen, allowing the Conveyance of Goods, Wares, and Merchandize on their respective Navigations, from the River *Thames* to *Portsmouth*, and from *Portsmouth* to the River *Thames*, for certain specific Charges, being at a less Rate than the Tolls, Rates, and Duties which the said Companies are respectively entitled to take, demand, and recover under and by virtue of the said recited Acts of the Fifty-seventh and Fifty-third Years of His Majesty's Reign, and it will be very beneficial to the Public that such Agreement should be confirmed and made binding on the said Companies: And whereas the whole of the Money which the said Company of Proprietors of the *Wey* and *Arun* Junction Canal were authorized to raise under the said Act, passed in the Fifty-third Year of His present Majesty's Reign, hath been laid out and expended by virtue and according to the Directions of the said Act: And whereas, in order to enable the said Company of Proprietors of the *Wey* and *Arun* Junction Canal to execute the several Works directed by the said Act, which are yet incomplete, so as to render the said Undertaking generally beneficial to the Neighbourhood and the Public, and that the said Articles of Agreement entered into between the said respective Companies may be carried into full force and effect, it is necessary that the said Company of Proprietors of the *Wey* and *Arun* Junction Canal should be empowered to raise or borrow a further Sum of Money, and that the said Act should be altered, explained, and amended; but the several Purposes aforesaid cannot be effected without the Aid and 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,

Company to
make Canal
from Hun-
ston Common
to the Sal-
terns.

bled, and by the Authority of the same, That it shall and may be lawful to and for the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, and they are hereby authorized and empowered, to make and keep navigable and passable so much of the Main Line of the said Canal from the River *Arun* to the Harbour of *Chichester*, authorized to be made, as leads from *Hunston Common* aforesaid to the Harbour of *Chichester*, at or near a certain Place called the *Salterns*, in and to or through the several Parishes in the said County of *Sussex* herein-before and in the said Act of the Fifty-seventh Year of His Majesty's Reign mentioned, and also the Branch Canal from and out of the Main Line of the said Canal at or near to *Hunston Common* aforesaid in the said Parish of *Hunston* to the said Place near to *Southgate* in the said Parish of *Saint Bartholomew*, at or near the said City of *Chichester* in the said County of *Sussex*, in, to, and through the several Parishes herein-before and in the said Act of the Fifty-seventh Year of His Majesty's Reign mentioned, of a sufficient Depth for Vessels of One hundred Tons Burthen to navigate therein.

Power for the
Company of
the Proprie-
tors of the
Portsmouth
and *Arundel*
Navigation to
take increased
Tolls on cer-
tain Parts of
the Main
Line of Canal
from the Ri-
ver *Arun* to
Chichester
Harbour, and
on the Branch
Canal to *Chi-
chester*.

II. And be it further enacted, That in consideration of the extraor-
dinary Expences which the said Company of Proprietors of the *Portsmouth*
and *Arundel* Navigation will be at in making those Parts of the Main Line
of Canal and the Branch Canal of such Depth as aforesaid, it shall and
may be lawful for the said Company of Proprietors of the *Portsmouth* and
Arundel Navigation, from Time to Time and at all Times for ever after
the same shall be made of such Depth as aforesaid, 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 so much of the Main Line of the said Canal from
the River *Arun* to *Chichester* Harbour as leads from *Hunston Common* afore-
said to the Harbour of *Chichester*, at or near the said Place called the *Salterns*,
and on the said other or Branch Canal from and out of the said Main Line
of the said Canal, at or near to *Hunston Common* aforesaid, to or near to
Southgate aforesaid, at or near the said City of *Chichester* or any Part thereof,
from the Owner or Owners of such Goods, Wares, Merchandize, and Com-
modities, or of or from the Owner or Owners, or Person or Persons hav-
ing the Care, Custody, or Charge of or navigating the Vessels, Boats, or
Barges conveying the same, at the Option of the said Company of Proprie-
tors, 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,
intended to be used for Manure, the Sum of Three-pence *per* Ton for every
Mile, and so in proportion for any greater or less Quantity than a Ton, or
greater or less Distance than a Mile :

For all Chalk, Marl, Lime, Limestone, (except such as shall be intended
to be used for Manure,) and for all Goods, Wares, Merchandize, and
Commodities whatsoever, the Sum of Sixpence *per* Ton for every Mile,
and so in proportion for any greater or less Quantity than a Ton, or greater
or less Distance than a Mile :

For every empty or light Boat, Barge, or Vessel of any Sort or De-
scription whatsoever, passing through any Lock on the said Canals, or either
of them, the Sum of One Shilling and Sixpence for every such Lock :

For every Passenger or other Person who shall be carried upon the said
Canals or either of them in any Boat, Barge, or Vessel, not being a Per-
son then employed in navigating the same, for every Mile which any such
Passenger

Passenger shall be carried upon the said Canal, or any Part thereof, the Sum of Two-pence, and so in proportion for any less Distance than a Mile :

For every separate Package, Parcel, or other Article, not exceeding Two hundred Weight each, and consigned to different or distinct Persons, the Sum of Three Halfpence for every Mile, and so in proportion for any less Distance than a Mile which any such Package, Parcel, or other Article may be carried.

III. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, and they are hereby authorized and empowered, to make of a sufficient Depth, and keep navigable and passable for Vessels of One hundred and fifty Tons Burthen, the said Canal authorized to be made by the said recited Act, from the Harbour of *Langstone* at or near to certain Lands lately inclosed, and heretofore called *Milton Common*, in the Parish of *Portsea*, to at or near the said Place called the *Half-way-houses*, in the said Parish of *Portsea*, in, to, or through the said Parish of *Portsea* in the said County of *Southampton*.

Canal from Langstone to be made of sufficient Depth for Vessels of 150 Tons.

IV. And be it further enacted, That in consideration of the extraordinary Charges and Expences which the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation will be at in making the said last-mentioned Canal of the Depth aforesaid, it shall and may be lawful for the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation from Time to Time and at all Times hereafter, after the same shall be made of such Depth as aforesaid, 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 and conveyed upon the said Canal from the said Harbour of *Langstone*, at or near the said Lands lately inclosed and heretofore called *Milton Common*, in the Parish of *Portsea*, to at or near the said Place called the *Half-way-houses*, in the said Parish of *Portsea* in the said County of *Southampton*, or any Part thereof, 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 Vessels, Boats, or Barges 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,

Power for the Company of Proprietors of the Portsmouth and Arundel Navigation to take increased Tolls on the Canal from Langstone Harbour to the Half-way-houses.

For all Dung and Ashes, and for all Chalk, Marl, Lime, and Limestone intended to be used for Manure, the Sum of Three-pence *per* Ton for every Mile, and so in proportion for any greater or less Quantity than a Ton, or any greater or less Distance than a Mile :

For all Chalk, Marl, Lime, Limestone, (except such as shall be intended to be used for Manure,) and for all Goods, Wares, Merchandize, and Commodities whatsoever, the Sum of Sixpence *per* Ton for every Mile, and so in proportion for any greater or less Quantity than a Ton, or any greater or less Distance than a Mile :

For every empty or light Boat, Barge, or Vessel of any Sort or Description whatsoever, passing through any Lock on the said Canal, the Sum of One Shilling and Sixpence for every such Lock :

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

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in navigating the same, for every Mile which any such Passenger shall be carried upon the said Canal or any Part thereof, 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 consigned to different or distinct Persons, the Sum of Three Halfpence for every Mile, and so in proportion for any less Distance than a Mile which any such Package, Parcel, or other Article may be carried.

Limitation
of Tolls.

V. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation to take, demand, have, and receive the said Tolls herein-before granted upon any Goods, Wares, Merchandize, or Commodities conveyed upon any other Part of the said Canals, Cuts, Sluices, or Harbours by the said recited Act of the Fifty-seventh Year of His Majesty's Reign authorized to be cut, made, deepened, and kept navigable and passable, save and except upon that Part of the Main Line of the Canal from the River *Arun* to the said Harbour of *Chichester*, leading from *Hunston Common* aforesaid to the said Harbour of *Chichester*, and the Branch Canal from *Hunston Common* aforesaid, to or near the said Place called *Southgate*, at or near the said City, and upon the said Canal from the said Harbour of *Langstone* to the said Place called the *Half-way-houses*, in the Parish of *Portsea* in the County of *Southampton*, nor upon any Goods, Wares, Merchandize, or Commodities carried or conveyed on those Parts of the said Canals, Cuts, Sluices, and Harbours so authorized to be made as aforesaid, except such as shall be carried and conveyed from the said Harbour to the said City of *Chichester*, or any Place or Places situate between the same, and there landed, or shall be shipped at the said City, or at any Place or Places situate between the said City and the Harbour of *Chichester*, and conveyed to the said Harbour of *Chichester*, and except such Goods, Wares, Merchandize, and Commodities as shall be carried from the said Harbour of *Langstone* to the said Place called the *Half-way-houses*, in the said Parish of *Portsea*, and there landed, or shall be shipped at the said *Half-way-houses*, and carried direct to the said Harbour of *Langstone*, but that all Goods, Wares, Merchandize, or Commodities which shall be carried or conveyed from or out of or into the River *Arun*, or from or to any Place or Places situate beyond the Distance of One Mile to the Eastward from the Junction of the said Branch Canal with the Main Line of Canal at *Hunston Common* aforesaid, shall be liable and subject to the Tolls imposed and authorized to be taken, demanded, and received by the said recited Act of the Fifty-seventh Year of His Majesty's Reign, and no more: Provided always, that all Goods, Wares, Merchandize, or Commodities which shall be carried or conveyed into or out of the said Harbour of *Chichester*, having been shipped or laden, or intended to be unshipped or unladen, at or near the said City of *Chichester*, or any Place or Places situate between the same and the said Harbour of *Chichester*, or within the Distance of One Mile to the Eastward from the said Junction of the Branch Canal with the Main Line of Canal at *Hunston Common* aforesaid, shall be subject and liable to the increased Tolls, Rates, or Duties imposed and authorized by this Act to be taken, demanded, or received, notwithstanding such Goods, Wares, Merchandize, or Commodities shall or may have passed upon any other Part of the Canals or Navigation belonging to the said Company.

All Goods passing between the City and Harbour of Chichester to be liable to increased Tolls, notwithstanding they have been carried on any other Part of the Navigation.

VI. And

VI. And be it further enacted, That in consideration of the Expence which the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation will be at in providing sufficient Basins, Wharfs, and Quays for the Purposes herein-before mentioned, it shall and may be lawful for the said Company of Proprietors and they are hereby authorized to take, demand, and receive for all Goods, Wares, and Merchandize, and other Commodities landed or discharged, and shipped at the said Place called *Southgate*, near the said City of *Chichester*, or any other Place between the said City and the Harbour of *Chichester*, a Wharfage of Four-pence *per* Ton, and on all Goods, Wares, Merchandize, and Commodities landed or discharged or shipped at the Basin or Basins, or the Borders thereof, at the *Half-way-houses* aforesaid, a Wharfage of Four-pence *per* Ton; and if any such Goods, Wares, Merchandize, or Commodities shall remain on any Wharf or Quay belonging to the said Company for a longer Time than Ten Days, then the Owner or Owners of such Goods, Wares, Merchandize, or Commodities shall pay to the said Company of Proprietors the further Sum of Three Halfpence *per* Ton for every Day the same shall remain after the Expiration of the said Period of Ten Days, and the said Company shall recover the Payment of such Wharfage in the same Manner and by the same Means as they are authorized to recover Wharfage under and by the said recited Act of the Fifty-seventh Year of His Majesty's Reign.

The Company of the Portsmouth and Arundel Navigation empowered to take Wharfage.

VII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to lessen or abate, or in any Manner to affect or prejudice, the Rights, Titles, or Privileges of the Mayor, Aldermen, and Citizens of the City of *Chichester*, or of the Mayor, Aldermen, and Burgesses of the Borough of *Portsmouth*, to such Rates, Cranage, Wharfage, petty Customs, and other Dues as they are respectively authorized to ask, demand, take, have, and receive; but that they shall and may have, take, receive, and enjoy the same Rates, Cranage, Wharfage, petty Customs, and other Dues as they the said Mayor, Aldermen, and Citizens of the City of *Chichester*, and the said Mayor, Aldermen, and Burgesses of the Borough of *Portsmouth*, are now respectively entitled to ask, demand, take, and receive, and to collect, sue for, levy, recover, and enforce the Payment of all such Rates, Cranage, Wharfage, petty Customs, and other Dues, by the same Means, in the same Manner, and according to the same Regulations as are mentioned and directed in and by the said recited Act passed in the Fifty-seventh Year of His Majesty's Reign, as fully and effectually to all Intents and Purposes as if this Act had not been made.

Saving the Right of the Corporations of Chichester and Portsmouth.

VIII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, their Servants, Agents, and Workmen, to make, set out, and maintain a Road, not exceeding Forty Feet in Width, from the Wharfs and Quays, Basin, and Establishment of the said Company, to be made and kept at or near to *Southgate* aforesaid, and into the said City of *Chichester*, for the Conveyance of Goods, Wares, Merchandize, and Commodities to or from the said Wharfs, Quays, Basin, and Establishment; such Road to be made through the Lands, Tenements, and Premises in the Parish of *Saint Peter the Great*, or the Subdeanery, in or near the said City of *Chichester*, specified and described in the Schedule to

Power for the Company of the Portsmouth and Arundel Navigation to make a Road from their Wharfs, &c. near Southgate to Chichester.

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this Act annexed ; and the said Company of Proprietors shall have all the same Powers and Authorities to agree with any Person or Persons, Bodies Politic or Corporate, and others, for the Purchase or Use of any Lands or Grounds wanted for the Purpose of making and setting out such Road, or for taking or making use of the same, as are given to them by the said recited Act of the Fifty-seventh Year of His Majesty's Reign, for the obtaining Lands and Grounds necessary for carrying that Act into execution.

No Houses, &c. to be taken without Consent, except those specified in the Schedule.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize and empower the said Company of Proprietors, or any other Person or Persons, in making and setting the said Road hereby authorized to be made, to take, use, injure, or damage any House or Building, or any Ground which, from the First Day of *October* One thousand eight hundred and eighteen, was the Site 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 and described in the Schedule hereunto annexed).

Penalty on Persons using the Road except for the Carriage of Goods to and from the Wharfs, &c.

X. Provided always, and be it further enacted, That the said Road so hereby authorized be made, set out, and maintained shall be made for the Conveyance from and to the said City of *Chichester* of Goods, Wares, and Merchandize landed or discharged or to be shipped at the said Wharfs, Quays, Basins, and Establishment of the said Company of Proprietors at or near *Southgate* aforesaid, and for no other Use or Purpose whatsoever ; save and except that *Doctor Thomas Sanden* and *Stephen Hack*, and their respective Heirs, Tenants, Servants, and Assigns, shall for ever hereafter have free Access to and from their Land adjoining the said Road, over or through the said Road ; and if any Person or Persons shall drive any Coach, Chariot, Cart, Wain, Waggon, or other Carriage on the said Road, the said Coach, Chariot, Cart, Wain, Waggon, or other Carriage not being loaded with or going to be loaded with any Goods, Wares, Merchandize, or Commodities landed or discharged, or to be shipped at the Wharfs, Quays, or Establishment of the said Company of Proprietors, or shall drive on the said Road any Horses, Bullocks, Sheep, Swine, or other Cattle, not having been landed, or not being intended for Shipment as aforesaid, or shall ride on or in any other way use the said Road so hereby authorized to be made, set out, and maintained, every Person so offending, except the said *Thomas Sanden* and *Stephen Hack*, and their respective Heirs, Tenants, Servants, and Assigns, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be recovered and applied in the same Manner and by the same Means as Penalties are by the said recited Act of the Fifty-seventh Year of His Majesty's Reign directed to be recovered and applied.

Repealing Part of 57 G. 3. and empowering the Company of the Portsmouth and Arundel Navigation to

XI. And be it enacted, That so much of the said recited Act of the Fifty-seventh Year of His Majesty's Reign as authorizes and empowers the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation to make and keep navigable and passable for Boats, Barges, and other Vessels another Canal from the said Harbour of *Langstone*, at or near to a certain Marsh belonging to *James Knight*, in the Parish of *Wymering* in the County of *Southampton*, to the Harbour of *Portsmouth*, at or near to a certain

certain Meadow belonging to *Richard Pittis*, in the Parish of *Wymering*, in the County of *Southampton*, in, to, or through the several Parishes of *Farlington*, *Wymering*, and *Widley*, or some or one of them, in the said County of *Southampton*, shall be and the same is hereby repealed.

make Ports-
bridge Creek
navigable.

XII. And be it further enacted, That from and immediately after the said Canal by the said recited Act of the Fifty-seventh Year of His Majesty's Reign authorized to be made from the said Harbour of *Langstone*, at or near the said Land lately inclosed called *Milton Common*, to at or near the said Place called the *Half-way-houses* aforesaid, shall be made completely navigable and passable for Boats and Barges, but not before, it shall and may be lawful for the said Company of Proprietors of the said *Portsmouth* and *Arundel* Navigation to make, deepen, straighten, and keep navigable and passable for Boats, Barges, and other Craft, the said natural Creek communicating between the said Harbours of *Langstone* and *Portsmouth*, called *Portsbridge Creek*, in the said County of *Southampton*, so that the Bottom of the Channel at the Junction of the said Creek with the Harbour of *Portsmouth* shall be on a Level with Low Water at Spring Tides, and at the Junction with the Harbour of *Langstone* shall be at least Two Feet above the said Level, and shall be so kept and preserved during the Continuance of this Act; and also to alter and enlarge the said Bridge called *Portsbridge*, or to erect a new Bridge in lieu thereof; and all the Powers and Authorities given to the said Company of Proprietors in and by the said recited Act of the Fifty-seventh Year of His Majesty's Reign, for making, deepening, and keeping navigable and passable the said Harbours and Channels in that Act mentioned, shall be applicable to and may be exercised by the said Company of Proprietors in making, deepening, straightening, and keeping navigable and passable the said Creek called *Portsbridge Creek*.

Empowering
the Company
of the Ports-
mouth and
Arundel
Navigation to
make Ports-
bridge Creek
navigable.

XIII. Provided always, and be it enacted, That the Soil and Mud which shall be excavated from the said Creek called *Portsbridge Creek*, or from the said Harbours of *Langstone* and *Portsmouth*, shall not be deposited below High Water at Spring Tides in the said Creek called *Portsbridge Creek*, or in the said Harbour of *Portsmouth*, or within the Distance of Twelve hundred Yards from the Defences and Fortifications erected by His Majesty's Board of Ordnance, save and except on such Part of the Ordnance Lands adjoining the Harbour of *Langstone* as shall be approved of by the Principal Officers of His Majesty's Board of Ordnance for the Time being; and in case any Pieces or Parcels of Land or Ground of His Majesty shall be cut through or separated from the other Parts of the said Lands or Grounds, the said Company of Proprietors shall, if required by the Principal Officers of His Majesty's Ordnance for the Time being, at their own Costs and Expences, erect a Bridge or Bridges of Communication between such Lands or Grounds so separated as aforesaid, or a Compensation shall be given to His Majesty for such Separation by the said Company of Proprietors, such Compensation to be settled and determined by the Commissioners appointed by the said recited Act of the Fifty-seventh Year of His present Majesty's Reign.

Soil exca-
vated from
Portsbridge
Creek not to
be deposited
within a cer-
tain Distance
from His Ma-
jesty's Forti-
fications.

Navigation
to be made
according to
Plan.

XIV. And whereas a Map or Plan describing the Line of Navigation through *Portsbridge Creek* and the Lands in and through which the same is to be made and carried, together with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office of the Clerk of the Peace for the County of *Hants*; be it therefore further enacted, That the said Map or Plan and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County, and to the end that all Persons may, at any seasonable Time, 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 navigable the said *Portsbridge Creek*, shall not deviate more than One hundred Yards from the Line or Course thereof described in the said Map or Plan; provided always, that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making navigable the said *Portsbridge Creek*, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Three or more of His Majesty's Justices of the Peace acting in and for the County of *Hants*, or either of them, and be certified in Writing under their Hands respectively, that such Error or Omission proceeded from Mistake.

The Com-
pany of Pro-
prietors of the
Portsmouth
and *Arundel*
Navigation to
erect a Lock
if required by
the Admi-
ralty.

XV. Provided always, and be it further enacted, That in case at any Time hereafter it shall, in the Judgment and Opinion of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being, be deemed necessary for the Preservation of the Harbour of *Portsmouth*, and more effectually to prevent the Water running from the said Creek called *Portsbridge Creek* into the Harbour of *Langstone*, that a Lock should be erected at the Junction of the said Creek with the said Harbour of *Langstone*, having the Gates pointed towards the said Harbour of *Portsmouth*, the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation shall and are hereby required, within Twelve Months after Notice in Writing given by the said Lord High Admiral, or the said Commissioners for the Time being, or any Three of them, to erect and construct such Lock at their own Costs, Charges, and Expences; and in case the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation shall neglect or refuse to construct such Lock after such Notice so given as aforesaid, they and their Successors shall forfeit and pay unto His Majesty the Sum of Ten Pounds every Day during the Time the same shall remain incomplete after such Notice.

Saving the
Rights of His
Majesty to
the Soil of the
Creek, and to
divert the
Water from
Langstone
Harbour into
Portsmouth
Harbour.

XVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to vest in the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation the Right of the Soil of the said Creek called *Portsbridge Creek*, or the Banks thereof, or of the said Bridge called *Portsbridge*, or any other Bridge erected in lieu thereof, or to prevent His Majesty, His Heirs and Successors, at any Time or Times hereafter, from making a Cut from the Harbour of

Langstone

Langstone to the Harbour of *Portsmouth*, or to appropriate the said Creek called *Portsbridge Creek* for the Purpose of diverting the Water from the said Harbour of *Langstone* into the said Harbour of *Portsmouth*, and that His Majesty, His Heirs and Successors, shall not be liable in consequence thereof to any other Claim of Compensation on the Part of the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, save and except for such Sum or Sums of Money which the said Company of Proprietors shall have laid out and expended in excavating the said Creek called *Portsbridge Creek*, which said Sum or Sums of Money so laid out and expended shall be reimbursed to the said Company of Proprietors by His Majesty, His Heirs and Successors; and from and after the Payment of such Sum or Sums of Money to the said Company of Proprietors it shall not be lawful for the said Company of Proprietors or their Successors to take, demand, have, or receive any Toll for or in respect of any Goods, Wares, or Merchandize passing through the said Creek called *Portsbridge Creek*.

XVII. Provided always, and be it further enacted, That it shall not be lawful for any Vessel with a Standing Mast to pass from the said Creek called *Portsbridge Creek* into the Harbour of *Portsmouth*, it being the true Intent and Meaning of this Act that Boats, Barges, Lighters, and other Craft only shall pass through the said Creek.

No Vessel with Standing Mast to pass into Portsmouth Harbour.

XVIII. Provided always, and it is hereby enacted, That the said Bridge called *Portsbridge* shall be from Time to Time and at all Times, after the same shall have been altered, enlarged, or erected by the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, supported, repaired, and maintained at the joint and equal Expence of His Majesty and the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation; and in case at any Time or Times hereafter any Prejudice or Injury shall, in the Judgment and Opinion of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* for the Time being, be occasioned or done to the Harbour of *Portsmouth* by or in consequence of the said Creek called *Portsbridge Creek* being made, deepened, straightened, and kept navigable and passable by the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, the said Company of Proprietors shall, at their own Costs, Charges, and Expences, effectually remedy such Prejudice or Injury so done as aforesaid, either by repairing and amending the Navigation of the said Creek, or by such other Ways and Means as the said Lord High Admiral, or the said Commissioners for the Time being, or any Three of them, shall order and direct; and in case any Damage or Injury shall happen or be occasioned to the Banks of the said Creek called *Portsbridge Creek*, or to the Works or Fortifications erected by His Majesty's Board of Ordnance; in deepening, straightening, and making the said Creek navigable, or by the Boats, Barges, or other Craft passing through the said Creek, the Company of Proprietors of the *Portsmouth* and *Arundel* Navigation shall, at their own Costs, Charges, and Expences, repair and amend such Damage or Injury so done as aforesaid.

Portsbridge in future to be maintained at the joint Expence of His Majesty and the Company of Proprietors of the Portsmouth and Arundel Navigation.

Any Prejudice occasioned to the Harbour of Portsmouth to be remedied by the Company.

XIX. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, and

Tolls authorized to be taken on

Portsbridge
Creek.

and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to take, demand, have, and receive, to and for their own Use and Benefit, for the Tonnage of all Goods, Wares, or Merchandize and Commodities whatsoever which shall be carried or conveyed upon or through the said Creek called *Portsbridge Creek*, or shall be carried or conveyed in any Boat, Barge, or other Craft which shall be towed from the said Creek called *Portsbridge Creek* to, into, or through the said Harbour of *Portsmouth*, or any Part thereof, or which shall be towed through and from the said Harbour of *Portsmouth*, or any Part thereof, into or through the said Creek, by any Steam Boat belonging to the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, 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 Crafts 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, intended to be used for Manure, and for all other Articles intended to be used for Manure, the Sum of Two-pence *per* Ton for every Mile of the said Creek or Harbour of *Portsmouth*, and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile:

For all Chalk, Marl, Lime, and Limestone (except such as shall be intended to be used for Manure), and for all Goods and 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 for every Mile of the said Creek and Harbour of *Portsmouth*, 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, passing through any Lock upon the said Creek, or towed through the said Harbour, or any Part thereof, by any Steam Boat belonging to the said Company, the Sum of One Shilling and Sixpence for every Mile of the said Creek and Harbour of *Portsmouth*, and so in proportion for any greater or less Distance than a Mile:

For every Passenger or other Person who shall be carried upon the said Creek in any Boat, Barge, or Vessel, not being a Person then employed in navigating the same, or shall be carried from the said Creek in any Boat towed from thence to, through, or into the said Harbour of *Portsmouth*, or any Part thereof, by any Steam Boat belonging to the said Company, for every Mile which any Passenger shall be carried upon the said Creek or Harbour of *Portsmouth*, or any Part thereof, 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 for every Mile of the said Creek or Harbour of *Portsmouth*, and so in proportion for any less Distance than a Mile which any such Package, Parcel, or other Article may be carried.

XX. And

XX. And be it further enacted, That all the said Rates, Tolls, and Duties herein-before by this Act granted may be lowered and again raised, and may be mortgaged, assigned, and transferred, and shall be demanded, taken, had, recovered, and applied in the same Manner, by the same Means, and subject to the same Regulations, Limitations, and Restrictions, and in the same Way, as the Tolls, Rates, and Duties granted by the said recited Act of the Fifty-seventh Year of His Majesty's Reign are directed and authorized to be lowered and raised, mortgaged, assigned, and transferred, demanded, taken, recovered, and applied by the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, and all the Clauses, Enactments, Powers, and Authorities in the said recited Act of the Fifty-seventh Year of His Majesty's Reign, as to the Tolls thereby granted, shall be applicable to and be in as full Force and Effect, as to the Tolls by this Act granted, as if such Clauses, Enactments, Powers, and Authorities were herein repeated and re-enacted.

Tolls to be recovered according to the Powers of 57 G. 3.

XXI. Provided always, and be it further enacted, That all Stores of War and Naval Ordnance, Victualling, and other Stores, the Property of or belonging to His Majesty, His Heirs and Successors, shall at all Times hereafter be exempt from One-sixth Part of the Tolls, Rates, and Duties which the said Company of Proprietors shall from Time to Time take, demand, have, or receive for or in respect of other Goods, Wares, and Merchandize under the Authority of this Act or the said recited Act passed in the Fifty-seventh Year of His Majesty's Reign.

Stores of War and Naval Stores to be exempt from One-sixth of Tolls.

XXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to subject to the Payment of the said Tolls, Rates, and Duties herein-before authorized to be taken, demanded, had, and received for Goods, Wares, Merchandize, and Commodities carried upon or through the said Creek called *Portsbridge Creek*, any Goods, Wares, Stores, Merchandize, or other Articles being the Property of or belonging to, or which shall be contracted for to be delivered, and which shall be in the Course of Delivery under such Contract, to and for the Use of His Majesty, His Heirs and Successors, or for any empty or light Boat, Barge, or Vessel, being the Property of or belonging to His Majesty, His Heirs and Successors, or for any Passenger or other Person in such Boat, Barge, or Vessel, or for any Agricultural Implements, Corn, Grain, Produce, or Manure, which shall be landed and discharged or shipped on or from the Banks of the said Creek called *Portsbridge Creek*, which shall be the *bona fide* Property of any Tenant or Tenants of the Lands of His Majesty, situate on the Banks of the said Creek, or of any of the Lands of His Majesty adjoining thereto.

Exempting from the Tolls of Portsbridge Creek Goods the Property of the Crown.

XXIII. Provided always, and be it further enacted, That it shall and may be lawful, from Time to Time and at all Times hereafter, to and for all Boats and other Craft employed by or in the Service of His Majesty's Customs or Revenue to have free Access to, from, and upon any or either of the Cuts, Canals, or Navigations to be made and maintained under the Authority of this Act, or the said recited Act passed in the Fifty-seventh Year of His Majesty's Reign, without being subject or liable to the Payment of any Rates, Tolls, or Duties whatsoever, for the

Boats in Revenue Service to be at liberty to enter Canals.

[*Local.*]

31 L

Purpose

Purpose of detecting or preventing any illicit Traffic carried on, or attempted to be carried on, upon any or either of the said Cuts, Canals, or Navigations.

54G. 3.c.159.
not to be
affected.

XXIV. Provided always, and be it enacted, That nothing herein contained shall be construed to restrain, revoke, or annul, or in anywise affect the Powers of an Act made and passed in the Fifty-fourth Year of the Reign of His present Majesty, intituled *An Act for the better Regulation of the several Ports, Harbours, Roadsteads, Sounds, Channels, Bays, and Navigable Rivers in the United Kingdom, and of His Majesty's Docks, Dock Yards, Arsenals, Wharfs, Moorings, and Stores therein, and for repealing several Acts passed for that Purpose*, or the Penalties inflicted on Persons offending against the same, but that the same shall remain in full Force and Effect.

To prevent
bathing in
the Canals.

XXV. And be it further enacted, That in case any Person or Persons shall bathe in the said Canal from the River *Arun* to *Chichester* Harbour, or in the said Branch Canal from *Hunston Common*, or in the said Canal from *Langstone* Harbour to the *Half-way-houses*, or in any Reservoir, Aqueduct, Waterway, Feeder, or Pond belonging thereto, or being the Property of the said Company of Proprietors hereby incorporated, it shall be lawful to and for any Justice of the Peace for the County or Place where the Offence shall be committed, and he is hereby required, upon Complaint to him made by One or more credible Witness or Witnesses of any such Offence, to issue a Warrant for apprehending the Party or Parties accused, or it shall and may be lawful to and for any Person or Persons who shall see such Offence committed to apprehend, and also for any Person or Persons to assist in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her, or them into the Custody of a Peace Officer, in order to be secured and convicted before some Justice of the Peace for the said County or Place where the Offence shall be committed; and on the Party or Parties being brought before some Justice, such Justice shall proceed to examine upon Oath any Witness or Witnesses who shall appear or be produced to give Evidence touching such Offence; and if the Party or Parties accused shall be convicted of such Offence, either by his, her, or their Confession, or upon such Evidence as aforesaid, then and in every such Case he, she, or they shall for every such Offence respectively severally forfeit and pay any Sum not exceeding Forty Shillings; and in case such Offender or Offenders shall not, upon Conviction, forthwith pay such Penalty by him, her, or them incurred, such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction of the same County, there to be kept to hard Labour for any Time not exceeding One Month, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he, she, or they shall be so committed, unless such Penalty as aforesaid shall be sooner paid and satisfied.

For confirm-
ing the
Agreement
between the
Wey and
in Com-

XXVI. And whereas the Agreement entered into between the said Company of Proprietors of the *Wey and Arun* Junction Canal and the Company of Proprietors of the *Portsmouth and Arundel* Navigation, bearing Date the said First Day of *September* in the Year One thousand eight hundred and eighteen, is in the Words and according to the Tenor and

and Effect following; that is to say, 'This Indenture made the First Day of *September*, in the Year of our Lord One thousand eight hundred and eighteen, between the Company of Proprietors of the *Wey* and *Arun* Junction Canal of the one Part, and the Company of Proprietors of the *Portsmouth* and *Arundel* Navigation of the other Part: Whereas by an Act passed in the Fifty-third Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Canal to unite the Rivers Wey and Arun in the Counties of Surrey and Sussex*, the said Company of Proprietors of the *Wey* and *Arun* Junction Canal was authorized and empowered 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 to be carried, or conveyed upon the said Canal or any Part thereof, the respective Rates, Tolls, and Duties therein particularly mentioned: And whereas by an Act of Parliament passed in the Fifty-seventh Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Canal from the River Arun to Chichester Harbour, and from thence to Langstone and Portsmouth Harbours, with a Cut or Branch from Hunston Common, to or near the City of Chichester, and for improving the Navigation of the Harbour of Langstone and Channels of Langstone and Thorney*, the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation is empowered and authorized to make and keep navigable and passable for Boats, Barges, and other Vessels several Canals or Cuts and other Navigations between the said River *Arun* and the Island of *Portsea* and Harbour of *Portsmouth*, and City of *Chichester*, and hath raised and contributed among themselves a large Sum of Money to carry the same into effect, and which, when completed, it is expected will greatly increase the Trade on the said *Wey* and *Arun* Junction Canal: And whereas the said Company of Proprietors of the *Wey* and *Arun* Junction Canal, in order to promote the making of such Inland Communication between the Ports of *London* and *Portsmouth*, and in consideration of the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation having consented and agreed to a similar Reduction of Tolls on its own Part, and otherwise, as herein-after is expressed, hath consented and agreed to reduce the Rates, Tolls, and Duties now demandable by and payable to the said Company of Proprietors of the said *Wey* and *Arun* Junction Canal under and by virtue of the Provisions of the said Act of Parliament made and passed in the Fifty-third Year of the Reign aforesaid, and instead and in lieu of the said Rates, Tolls, 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 during the Time of Peace from the Port of *Portsmouth* on and throughout the said *Wey* and *Arun* Junction Canal, and thence into the River *Thames*, or from the River *Thames* on and throughout the said *Wey* and *Arun* Junction Canal to the Port of *Portsmouth*, the Sum of Four Shillings and Sixpence only *per* Ton, and no more, except as herein-after mentioned: And whereas it being essential that the said Arrangement shall be completed without Delay, it has been agreed by and between the said Company of Proprietors of the *Wey* and *Arun* Junction Canal and the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation that they should mutually execute this Indenture, for effectuating the Purposes aforesaid, until an Act of Parliament confirming the above-mentioned Arrangement shall be obtained: Now, therefore, this Indenture witnesseth that the said Company of Proprietors of the *Wey* and *Arun* Junction Canal, hereby for themselves,

pany, and
Portsmouth
and Arundel
Canal
Company.

53 G. 3 c. 19.

57 G. 3. c. 63.

themselves, their Successors and Assigns, covenant and agree with the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, their Successors and Assigns, that the said Company of Proprietors of the said *Wey* and *Arun* Junction Canal, their Successors and Assigns, from and after the said Canals or Cuts and Navigation being made, or becoming navigable throughout, from the River *Arun* to the Island of *Portsea* or the Harbour of *Portsmouth*, and during so long a Time as the same shall continue open and navigable throughout, and not longer, or otherwise shall and will, during the Time of Peace between the United Kingdom of *Great Britain* and *Ireland* and the several Nations or Kingdoms of *Europe*, or the United States of *America*, or any other State or Nation trading immediately with the Kingdom of *Great Britain* and *Ireland*, and until the Company of Proprietors of the *Portsmouth* and *Arundel* Navigation shall think it expedient, and shall accordingly raise its own Tolls, be entitled to ask, demand, have, recover, and receive for all Goods, Wares, and Merchandize whatsoever that shall pass or be carried or conveyed from the said Port of *Portsmouth*, on and throughout the said *Wey* and *Arun* Junction Canal, into the River *Thames*, or from the River *Thames* on and throughout the said *Wey* and *Arun* Junction Canal into the Port of *Portsmouth*, the Sum of Four Shillings and Sixpence *per* Ton, and no more, and so in proportion for any greater or less Quantity than a Ton : Provided always, that nothing herein contained shall hinder or prevent the said Company of Proprietors of the said *Wey* and *Arun* Junction Canal from having, taking, and receiving its full and entire Tolls, agreeably to the Provisions of the said in part recited Act of Parliament passed in the Fifty-third Year of the Reign aforesaid, for all Goods, Wares, and Merchandize whatsoever which shall pass or be carried or conveyed on or through the said *Wey* and *Arun* Junction Canal or any Part thereof, during such Time as this Nation or Kingdom shall be in a State of War with the several Powers or Kingdoms of *Europe*, or the United States of *America*, or any or either of them, or with any other Nation or Kingdom trading immediately with the Kingdom of *Great Britain* and *Ireland*, when the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation shall demand and receive a higher Toll than Three-pence *per* Ton *per* Mile, as herein-after is provided, or for all Goods, Wares, and Merchandize whatsoever which shall either in Time of War or Peace as aforesaid be laden at any intermediate Place between the Port of *Portsmouth* and the River *Thames*, and which shall be carried and conveyed on or throughout the said *Wey* and *Arun* Junction Canal, or any other Canal or Navigation communicating therewith, from such intermediate Place to the said River *Thames* or Port of *Portsmouth*, as the Case may be ; or to any other intermediate Place between the same, or which shall be carried and conveyed on or throughout the said *Wey* and *Arun* Junction Canal, or any other Canal or Navigation communicating therewith from the River *Thames* or Port of *Portsmouth* to any intermediate Place, situate between the said River *Thames* and Port of *Portsmouth*, and be unladen and unshipped at the same : And this Indenture further witnesseth, that in consideration of the Premises, and of the Covenant and Agreement herein-before expressed, on the Part and Behalf of the said Company of Proprietors of the *Wey* and *Arun* Junction Canal, and in order to further and complete the mutual Intention of the Parties to these Presents, the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, hereby for themselves, their Successors and Assigns, covenant and agree with the said Company of Proprietors of the said *Wey* and *Arun*

Junction Canal, their Successors and Assigns, that the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, their Successors and Assigns, from and after the said Canals or Cuts and Navigations being made or becoming navigable throughout as aforesaid, and during so long Time as the Covenant and Agreement, on the Part of the said Company of Proprietors of the *Wey* and *Arun* Junction Canal, shall, under the Provisions and Stipulations thereof, continue or be operative and in force, but not longer or otherwise, ask, demand, have, recover, and receive for all Goods, Wares, and Merchandize whatsoever that shall pass or be carried or conveyed from the said Port of *Portsmouth* into and throughout the said *Wey* and *Arun* Junction Canal, or from the said *Wey* and *Arun* Junction Canal into the said Port of *Portsmouth*, the Sum of Three-pence *per* Ton *per* Mile, and no more, instead and in lieu of the Tolls, Rates, and Duties particularly mentioned and granted by the said in part recited Act of Parliament of the Fifty-seventh Year of His present Majesty's Reign; and so in proportion for any greater or less Quantity than a Ton; and further, that the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation shall not nor will at any Time or Times hereafter give, grant, or extend this Benefit, Advantage, Limitation, or Reduction of Tolls, Rates, or Duties, for the Tonnage of any Goods, Wares, Merchandize, or Commodities whatsoever which shall be carried or conveyed from and out of the River *Arun* Navigation or Port of *Arundel* into and through the said intended Canals and Navigation, or any Part thereof, or from and out of the said intended Canals and Navigation, into the River *Arun* Navigation or Port of *Arundel*, other than for such Goods, Wares, Merchandize, or Commodities as shall be carried or conveyed throughout the said *Wey* and *Arun* Junction Canal and the River *Wey* Navigation into the River *Thames* or the River *Rother* Navigation, and *vice versa*; nor on any such Goods, Wares, Merchandize, or Commodities as shall be carried or conveyed into the River *Rother* Navigation for the Purpose of claiming the Reduction of Tolls, and are not *bonâ fide* landed and delivered there: Provided always, that nothing herein contained shall hinder or prevent the said Company of Proprietors of the said *Portsmouth* and *Arundel* Navigation from having, taking, and receiving its full and entire Tolls, agreeably to the Provisions of the said in part recited Act of Parliament passed in the Fifty-seventh Year of the Reign aforesaid, for all Goods, Wares, and Merchandize whatsoever which shall pass or be carried or conveyed on or through the said intended Canals and Navigations, or any Part thereof, during such Time as this Nation or Kingdom shall be in a State of War with the several Powers or Kingdoms of *Europe* or the United States of *America*, or any or either of them, or any other State or Nation trading immediately with the Kingdom of *Great Britain* and *Ireland*, during such Time as the said Company of Proprietors of the *Wey* and *Arun* Junction Canal shall demand or receive a higher Toll than Four Shillings and Sixpence *per* Ton, or for all Goods, Wares, and Merchandize whatsoever which shall, either in Time of War or Peace as aforesaid, be laden at any intermediate Place between the Port of *Portsmouth* and the River *Thames*, and which shall be carried or conveyed from such intermediate Place into and through the said intended Canals and Navigations or any Part thereof, or which shall be carried and conveyed through the said intended Canals and Navigations or any Part thereof, and from thence to any intermediate Place situate between the said River *Thames* and the Port of *Portsmouth*, and be unladen and unshipped at the same: Provided always, that not-

[*Local.*]

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withstanding

withstanding the Covenants and Agreements so hereby mutually made as aforesaid, all and every the Provisions and Remedies for collecting, levying, and enforcing the Payments of the Tolls, Rates, and Duties by the said several Acts of Parliament imposed, in the said several Acts expressed and contained, shall remain, continue, and be in full force and effect, and shall not by these Presents be anywise prejudiced or affected, except as to the Reduction and Limitation of Tolls, in manner above specified: And for the better enabling the said respective Companies of Proprietors of the *Wey* and *Arun* Junction Canal and of the *Portsmouth* and *Arundel* Navigation to ascertain, recover, and collect the Tolls, Rates, and Duties for the Goods, Wares, and Merchandize that shall pass or be carried or conveyed from the River *Thames* into the Port of *Portsmouth*, or from and out of the Port of *Portsmouth* into the River *Thames*, it shall and may be lawful to and for the said Company of Proprietors of the *Wey* and *Arun* Junction Canal, their Successors and Assigns, to have, keep, or employ such Person or Persons from Time to Time as they, or any Three or more of their Committee of Management for the Time being, may think proper, upon the said Canals and Navigation to be made in pursuance of the said Act passed in the Fifty-seventh Year of the Reign aforesaid, 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, or Merchandize was or were liable or subject to the Payment of the reduced Tolls, Rates, and Duties only, as in the Cases before mentioned, or under any other Pretence whatsoever; and that it shall and may be lawful to and for the said Company of Proprietors of the said *Portsmouth* and *Arundel* Navigation, their Successors and Assigns, to have, keep, or employ such Person or Persons from Time to Time as they or any Three or more of their Committee of Management for the Time being shall think proper, upon the said *Wey* and *Arun* Junction Canal, for the Purpose of preventing any like Evasion of the Payment of their Tolls, Rates, and Duties as aforesaid, so as such Person or Persons to be so respectively kept or employed on the said respective Canals or Navigations in manner aforesaid do not in any Manner whatever impede, hinder, or obstruct the Navigation of the Canals or Navigation whereon they shall be so respectively kept or employed: In witness whereof, to one Part of this present Indenture remaining with the Company of Proprietors of the said *Portsmouth* and *Arundel* Navigation the said Company of Proprietors of the said *Wey* and *Arun* Junction Canal, the Common Seal of the said Company of Proprietors of the said *Wey* and *Arun* Junction Canal have caused to be set, and to the other Part thereof remaining with the said Company of Proprietors of the *Wey* and *Arun* Junction Canal the said Company of Proprietors of the said *Portsmouth* and *Arundel* Navigation have caused to be set the Common Seal of the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, the Day and Year first above written: And whereas it is expedient the said Agreement should be confirmed; be it therefore enacted, That the said Agreement shall be and the same and every Part thereof is hereby confirmed, ratified, and made effectual and binding on the respective Parties thereto, and shall be good, valid, and effectual, any Law, Usage, or Statute to the contrary notwithstanding; and it shall and may be lawful for the said respective Companies, and they are hereby authorized and empowered, to ask, demand, receive, and recover the several Rates, Tolls, and

Confirming
the Agree-
ment.

Duties in the said Agreement mentioned, in the same Manner, and by the same Means, and by such and the same Powers and Authorities, as they are respectively entitled and empowered by the said recited Acts of the Fifty-seventh and Fifty-third Years of His Majesty's Reign to ask, demand, receive, and recover the several Rates, Tolls, and Duties by the said recited Acts respectively granted: Provided always, that the said Rates, Tolls, and Duties in the said Agreement mentioned shall and are hereby declared to be instead and in lieu of the several Rates, Tolls, and Duties by the said recited Act respectively granted.

XXVII. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors of the *Wey* and *Arun* Junction Canal, or their Committee of Management, to appoint such Person or Persons as they shall think fit to act on the Navigation of the Company of Proprietors of the *Portsmouth* and *Arundel* Navigation, and for the said Company of Proprietors of the *Portsmouth* and *Arundel* Navigation to appoint such Person or Persons as they shall think fit to act on the Navigation of the Company of Proprietors of the *Wey* and *Arun* Junction Canal, for the Purposes in the said Agreement mentioned; and if any Owner or Owners of, or any Bargemaster, or any other Person or Persons having the Charge of any Goods, Wares, Merchandize, or Commodities, or of any Boat, Barge, or other Vessel in which the same are carried or conveyed on the said *Wey* and *Arun* Junction Canal, or *Portsmouth* and *Arundel* Navigation, or any Part thereof, shall give to such Person so appointed, or to any Collector or other Officer or Person in the Employ of either of the said Companies of Proprietors, a false Account of the Place from whence such Goods, Wares, Merchandize, and Commodities were shipped, or have been brought from or of the Destination of, or of the Place to which the same are to be carried for the Purpose of being charged with the lesser Rates, Tolls, and Duties by the said Agreement to be taken, and shall in consequence of such false Account be only charged with such lesser Tolls, Rates, and Duties when in fact liable to pay more, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, over and above all the Rates, Tolls, or Duties which shall be payable for such Goods, Wares, Merchandize, or Commodities, such Penalty to be recovered in the Manner in which Penalties are directed by either of the said recited Acts to be recovered, and to be applied to the Use of the Company of Proprietors on whose Navigation such Offence shall be committed.

Powers for the Companies to appoint Persons to act on their respective Navigation, and Penalty on Owners and others giving false Accounts of the Destination of their Goods.

XXVIII. Provided always, and be it enacted, That nothing in the said Agreement or this Act contained shall be deemed, held, or construed, to alter, vary, or in any way affect any Mortgages, Assignments, or Transfers of the Tolls, Rates, and Duties of the said respective Navigations entered into and now existing, but that all such Mortgages, Assignments, and Transfers shall be good, valid, and effectual, as if the said Agreement and this Act had not been made.

Agreement not to affect Mortgages.

XXIX. And in order to enable the said Company of Proprietors of the *Wey* and *Arun* Junction Canal to complete the Works authorized to be made by the said recited Act passed in the Fifty-third Year of His Majesty's Reign, and that the said Articles of Agreement between the respective Companies in this Act before set forth may be carried into full force and effect; be it enacted, That it shall be lawful for the said Com-

pany

Power for the *Wey* and *Arun* Junction Canal Company to raise a Sum of Money to complete their Undertaking.

pany of Proprietors of the *Wey* and *Arun* Junction Canal, 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 of the *Wey* and *Arun* Junction Canal, of which Meeting Fourteen Days Notice shall have been given in some Newspaper or Newspapers published or usually circulated in the Counties of *Surrey* and *Sussex*, to contribute amongst themselves any Sum or Sums of Money for the Purpose aforesaid, not exceeding in the whole the Sum of Ten thousand Pounds, and such 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 Shares in the said Navigation according and in proportion to their respective Shares and Interests therein; and the several Shares in the said Navigation and the Owners thereof shall be, in respect of the said Sum of Ten thousand Pounds, under and subject to the same Calls to be made by the Committee of Management of the said Company of Proprietors of the *Wey* and *Arun* Junction Canal, 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 Shares of the said Company and the Owners thereof are by the said recited Act of the Fifty-third Year of His Majesty's Reign made subject and liable to in respect of the Sum of Ninety-nine thousand five hundred Pounds authorized to be raised by the said recited Act, as fully and effectually, to all Intents and Purposes, as if the said Sum of Ten thousand Pounds had constituted a Part of the original Sum by the said recited Act of the Fifty-third Year of His Majesty's Reign authorized to be raised.

The Com-
pany may
raise the Sum
by Mortgage.

XXX. Provided always, and be it further enacted, That if the said Company of Proprietors of the *Wey* and *Arun* Junction Canal shall be desirous of raising the said Sum of Ten thousand Pounds or any Part thereof by Mortgage of the said Navigation and Undertaking, made and established under the Authority of the said recited Act of the Fifty-third Year of His Majesty's Reign, and shall make an Order or enter into a Resolution to that Effect at a Special Meeting of the said Company of Proprietors of the *Wey* and *Arun* Junction Canal 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 of the *Wey* and *Arun* Junction Canal, pursuant to such Order and Resolution, to borrow and take up at Interest the said Sum of Ten thousand Pounds or any Part thereof upon the Credit of the said Navigation and Undertaking, as to them shall seem meet and expedient; and the said Company of Proprietors of the *Wey* and *Arun* Junction Canal 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 the said recited Act of the Fifty-third Year of His Majesty's Reign, or any Part thereof, the Costs and Charges of which Assignment shall be paid out of the Tolls, Rates, and Duties as a Security for the Sum or Sums of Money 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 Trustees; all which Assignments and Mortgages shall be made, and may be transferred in manner and according to the Form prescribed and set forth in the said recited Act of the Fifty-

third Year of His present Majesty's Reign, and shall be subject to all the Rules and Regulations therein prescribed, as if the same were Mortgages and Assignments made and effected under the Authority of that Act.

XXXI. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors of the *Wey* and *Arun* Junction Canal to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Act or of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act; or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company of Proprietors; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Act or of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk, in the Execution of the said recited Act or of this Act, every Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Same Person
not to act as
Clerk and
Treasurer.

XXXII. And be it further enacted, That the said Company of Proprietors of the *Wey* and *Arun* Junction Canal, or their Committee of Management, shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for or on account of the said *Wey* and *Arun* Junction Canal, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed, laid out, and paid, which Book or Books shall at all seasonable Times be open to the Inspection of the said Company of Proprietors or any of them, or any Creditors or Creditor on the Tolls hereby granted, without Fee or Reward; and the said Company of Proprietors and Creditors shall and may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit the said Company of Proprietors or such Creditors, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum of Money not exceeding the Sum of Five Pounds, to be levied and recovered in the same Manner as Penalties are directed to be levied by the said recited Act passed in the Fifty-third Year of His Majesty's Reign.

Accounts to
be kept of
Receipts and
Disburse-
ments, which
shall be open
to the Inspe-
ction of the
Company and
Creditors.

XXXIII. 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.

Public Act.

The SCHEDULE to which this Act refers.

County and Parish.	Owners.	Occupiers.	Description of Property.
SUSSEX.	Dr. Thomas Sanden	Stephen Hack	Meadow.
Saint Peter the Great, or the Sub-deanery.	The same	William & James Newman	Garden.
	George Gatehouse	Charles Peter	House and Garden.
	The same	Richard Arnold	The same.
	The same	Thomas Stubington	The same.
	The same	Richard Sparkman	The same.
	The same	William Figg Sandford	The same.
	The same	Thomas Field	The same.
	The same	John Gardner	The same.
	The same	Joseph Brown	The same.
	The same	George White	The same.
	The same	William Blunden	The same.
	John and Sarah Rawlins	John & Sarah Rawlins	The same.
	Richard Fosbrook	John Combe	The same.
	John Sanders	John Sanders.	The same.

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