



ANNO QUINTO & SEXTO

GULIELMI IV. REGIS.

Cap. lix.

An Act for consolidating the Shares in the *Wilts* and *Berks* Canal Navigation, and for extending the Powers of the Act of Incorporation of the Company of Proprietors of the said Canal.

[3d July 1835.]

WHEREAS an Act was passed in the Second Year of the Reign of His late Majesty King *George* the Fourth; intituled *An Act for incorporating the Company of Proprietors of the North Wilts Canal Navigation with the Company of Proprietors of the Wilts and-Berks Canal Navigation, and for repealing the several Acts passed for making and maintaining the said Canals, and for consolidating the Powers and Provisions thereof in One Act of Parliament*: And whereas the Capital of the said Company in the said united Navigation consists of Twenty thousand Shares, designated by Numbers as in the said Act of Incorporation expressed, and held by the several Proprietors thereof accordingly; and it is expedient that such Shares should be consolidated and reduced to Five thousand Shares, and that such Proprietors should severally be enabled to transfer their several Rights and Interests therein discharged from the Inconvenience of describing any Numbers by which the said Twenty thousand Shares have heretofore been known and distinguished: And whereas the Powers and Provisions of the said Act have been found insufficient, and it is therefore expedient that the same should be altered

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and

Shares to be consolidated and reduced.

and amended, and some further Powers granted; but the several beneficial 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, and by the Authority of the same, That from and after the passing of this Act every Proprietor of the said united Canal Navigation shall, in respect of every Four Shares held by him therein, become possessed in lieu thereof of One Consolidated or Reduced Share only therein; and that every such Proprietor of any Fraction of Four Shares shall in respect of such Fraction, the same being Three Shares, become possessed in lieu thereof of a Three Quarter Consolidated or Reduced Share therein; and that every such Proprietor shall in respect of such Fraction, the same being Two Shares, become possessed in lieu thereof of a Half Consolidated or Reduced Share therein; and that every such Proprietor shall in respect of such Fraction, the same being One Share, become possessed in lieu thereof of a Quarter Consolidated or Reduced Share therein; and in every Case in which Shares are mentioned in the said recited Act such Shares shall from and after the passing of this Act be deemed, construed, and taken to mean Consolidated or Reduced Shares, as created by this Act; except that nothing herein contained shall restrict the Powers of Appointment vested in the *Thames* and *Severn* Canal Company under the said recited Act, and except that the Right of voting in respect of the said Navigation on every Occasion whatsoever shall from and after the passing of this Act, notwithstanding any thing in the said recited Act contained to the contrary, be as follows; (that is to say,) every Proprietor possessed of One hundred Consolidated or Reduced Shares or more therein shall and may give One hundred Votes and no more, either in Person or by Proxy, and every Proprietor possessed of any less Number than One hundred such Shares shall and may give One Vote for each and every such Share either in Person or by Proxy.

Rules for the Interpretation of this Act.

II. And be it further enacted, That when in this Act any Word is or shall be used importing the Singular Number or the Masculine Gender only, the same shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "Lands" is or shall be used, the same shall be understood to include Tenements and Hereditaments; and where the Word "Corporation" is used in the said recited Act, or is or shall be used in this Act, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Reduced Shares to be entered.

III. And be it further enacted, That every Consolidated or Reduced Share and Fraction of a Consolidated or Reduced Share in the said Navigation, and the Names and proper Address of the respective Persons entitled thereto, shall be entered in a Book to which the Common Seal of the said Company shall be affixed, and which Book shall from Time to Time be altered, corrected, and renewed as often as the Change of Proprietors

prietors and Transfer of Shares shall render it necessary, and shall be Evidence of the Right and Title to every such Consolidated or Reduced Share and Fraction of a Consolidated or Reduced Share therein.

IV. And be it further enacted, That it shall be lawful for the several and respective Proprietors or Owners for the Time being of the said Navigation to sell and dispose of their Consolidated or Reduced Shares therein (instead of their Shares under the said recited Act), subject to the Rules and Conditions mentioned in the said recited Act; the Transfer of which Consolidated or Reduced Shares shall, instead of the Form prescribed by the said Act, be in the Form or to the Effect following; (that is to say,)

Reduced Shares may be sold.

I *A. B.*, in consideration of _____ paid to me by *C. D.* of _____ do hereby bargain, sell, assign, and transfer to the said _____ his [*or her*] Executors, Administrators, and Assigns, _____ Consolidated or Reduced Share [*or Shares, or Three Quarter, Half, or Quarter Consolidated or Reduced Share*] in the *Wilts* and *Berks* Canal Navigation, to hold the same to the said *C. D.*, his [*or her*] Executors, Administrators, and Assigns; and I the said *C. D.*, do hereby agree to take and accept the said _____ Reduced Share [*or Shares, or Three Quarter, Half, or Quarter Reduced Share.*]
 Witness our Hands and Seals the _____ Day of _____ in the _____ Year of our Lord _____

Form of Transfer.

And every such Transfer shall be kept and registered in the Manner prescribed by the said recited Act; and every Entry of the Change of Proprietor in the said Book shall be Evidence of the Right and Title to the Property changed to his Name.

V. And be it further enacted, That the Receipt of the Person or of any One of the Persons in whose Name or Names any Consolidated or Reduced Share in the said Navigation shall stand in the Book or Books of the said Company shall from Time to Time be a sufficient Discharge to the said Company, or to the Committee or Treasurer for the Time being of the said Company, for any Dividend or other Sum of Money which shall become payable and be paid for or in respect of such Share, notwithstanding any Uses or Trusts to or upon which such Share shall be then assigned or otherwise settled, and the said Company shall not be bound to see to the Application of the Money mentioned in such Receipt.

Receipt of One Proprietor of a Share shall be a sufficient Discharge.

VI. And be it further enacted, That in all Cases where Money shall be payable, under the Provisions of this or the said recited Act, to any Proprietor who shall be a Minor or *non compos mentis*, the Receipt of the Guardian or Guardians, or of any One of them, or of the Parent if no other Guardian of such Minor, or of the Committee or any One of the Committees of such Proprietor who shall be *non compos mentis*, shall be a sufficient Discharge to the said Company and their Treasurer for the same.

Receipt of a Parent or Guardian of a Minor, &c. a sufficient Discharge.

VII. And be it further enacted, That at all Meetings of the Committee of Management at which it is required by the said recited Act to elect a Chairman

Chairman may be elected by Five

Members of
the Com-
mittee.

a Chairman of such Committee, it shall and may be lawful for any Number not being less than Five Members of such Committee to elect such Chairman, any thing in the said recited Act contained to the contrary notwithstanding.

Longcot
Branch vested
in the Wilts
and Berks
Canal Com-
pany.

VIII. And be it further enacted, That the Cut or Branch from the said Canal in the Parish of *Shrivenham* in the County of *Berks* called the *Longcot* Branch, as well as the Towing Path, Wharf, Warehouses, Buildings, Roads, and Conveniences belonging thereto, (having been made through Lands purchased in Trust for the said Company in or about the Year One thousand eight hundred and seven, and having been ever since possessed and used by the said Company, and deemed Part of their said Canal, although not so made pursuant to the Powers and Directions of the original Act of Incorporation of the said Company,) in case the same are not already vested in the said Company by the said recited Act, shall be and the same are hereby vested in and confirmed to the said Company, their Successors and Assigns, for the same Estate and Interest as the Parties at the Time of conveying the same then had therein.

How Debts
may be
proved in
Cases of
Bankruptcy.

IX. And be it further enacted, That in case any Fiat of Bankruptcy shall be awarded against any Person who shall be indebted to the said Company, or against whom the said Company shall have any Claim or Demand, it shall be lawful for either the Clerk or Superintendent of the said Company for the Time being to appear and he is hereby authorized to appear and act on behalf of the said Company, in respect of any such Debt, Claim, or Demand, before the Commissioner or Commissioners under any such Fiat of Bankruptcy, either personally or by his Affidavit to be sworn and exhibited in the usual Manner, in order to prove and establish any such Debt, Claim, or Demand under such Fiat; and such Person shall in all such Cases be admitted and allowed to make Proof or tender a Claim under any such Commission on behalf of the said Company in respect of such Debt, Claim, or Demand, and shall have such and the same Powers and Privileges as to voting in the Choice of Assignees and signing Certificates and otherwise, in respect of any Debt admitted to be proved on behalf of the said Company, as any other Person being a Creditor of such Bankrupt in his own Right would have in respect of the Debt proved by him under such Fiat.

Company's
Servants and
Shareholders
not incom-
petent Wit-
nesses.

X. And be it further enacted, That in case of any Dispute, Suit, or Litigation touching or in anywise relating to the Rates, Duties, or other Monies which the said Company are or shall be entitled to receive by virtue of this or the said recited Act, or respecting any Matter or Thing in anywise relating to the said Company or Navigation, no Person acting by or under the Authority or in the Service of the said Company shall for that Reason alone, or by reason of his being one of the Proprietors of the said Canal, be in any Manner disqualified or incapacitated from giving Evidence in, upon, and respecting such Dispute, Suit, Litigation, Matter, or Thing, nor shall any other Shareholder in the said Canal as such be so disqualified.

Clerk or So-
licitor of the
Company

XI. And be it further enacted, That in all Actions or Suits at Law or in Equity, and in all Proceedings under this or the said recited Act or otherwise,

otherwise, for any Claim or Compensation against or for or on behalf of the said Company, and also in all Prosecutions commenced and instituted by or on behalf of the said Company, and in all Arbitrations, References, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings; it shall be lawful for the Clerk, Attorney, or Solicitor for the Time being of the said Company, not being personally interested other than as a Proprietor of Shares in the said Undertaking (in case he shall so be), in his own Name, for and on the Behalf of the said Company, to make, sign, seal, execute, and deliver every such general or other Release as may be or be deemed to be necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from all or any Claims or Demands which may be necessary to be released by the said Company to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, and also to do any other Act, Matter, or Thing in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding which any Plaintiff or Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing respectively shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Company.

may grant
Releases to
Witnesses.

XII. And be it further enacted, That all Books, Papers, and Writings kept by virtue of the said recited Act or this Act, containing an Account of Money received and expended for or on account of the said Company, shall at all seasonable Times be open to the Inspection of any Proprietor of the said Canal, such Proprietor paying to the Person in whose Custody or Keeping the said Books, Papers, or Writings may be the Sum of One Shilling for every such Inspection, and such Proprietor shall be at liberty to take Copies thereof or Extracts therefrom, paying the Sum of Sixpence for every One hundred Words of such Copy or Extract; and in case any such Person in whose Custody any such Books, Papers, or Writings shall be shall refuse or neglect to produce the same, on Demand, or to furnish such Copies or Extracts as aforesaid at the Rate aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

For regulat-
ing the In-
spection of
Books, &c.

XIII. And be it further enacted, That no Person shall navigate on the said united or consolidated Canal Two or more Boats or Vessels fastened together, whether loaded or unloaded, or any Boat or Vessel with its Stern foremost (except in passing to the nearest Turning Place), or without a Rudder made on such Construction and hung in such Manner as in nowise to injure or tend to injure any of the Works of the said Canal; and in case any Person shall attempt to navigate any Boat or Vessel contrary to these Regulations, or contrary to the Provisions of the said recited Act, it shall and may be lawful for any Lock-keeper or other Servant of the said Company to prevent such Boat or Vessel from passing any Lock or navigating any Part of the said Canal; and the Master or Owner or Person in care of such Boat or Vessel so offending shall for

Regulations
for navi-
gating Boats.

every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds nor less than One Pound.

Hours of
navigating on
the Canal.

Regulations
for the Pas-
sage of Boats.

Drawbridges,
&c. not to be
injured.

XIV. And be it further enacted, That no Boatman or other Person shall navigate any Boat upon the said united or consolidated Canal at any other Times than between the Hours of Seven in the Morning and Five in the Evening during the Months of *November, December, January, and February*, and between the Hours of Five in the Morning and Seven in the Evening during the Months of *March, April, September, and October*, and between the Hours of Four in the Morning and Nine in the Evening during the Months of *May, June, July, and August*, nor on any *Sunday, Christmas Day, or Good Friday*, without the Consent in Writing of the Company's Superintendent for the Time being; and that every empty Boat passing on the said Canal shall give way to every loaded Boat until the loaded Boat shall have cleared such empty Boat, and all loaded Boats travelling towards *Abingdon* shall have Passage given them by the Steerers of Boats going in a contrary Direction; and the Person employed to drive the Horse or Horses for hauling all such Boats shall be of the Age of Fourteen Years at the least, and the Captain or Steerer of the same shall be of the Age of Eighteen Years at the least; and such Drivers and Steerers shall, before the Boat in their Care arrives at any Draw-bridge, Balance-bridge, or Swivel-bridge over the said Canal, cause the same to be effectually opened, and the Steerer shall so steer such Boat as to prevent the same from striking or injuring the Platform, Handrail, or any Part thereof; and every Captain, Steerer, or Driver who shall offend against any of the Regulations in this Enactment shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds nor less than One Pound.

Paddles of
Locks not to
be drawn up
or let down
without using
a Windlass,
&c.

XV. And be it further enacted, That no Boatman, Lock-keeper, or other Person shall draw up or let down any Paddle of a Lock on the said united or consolidated Canal without using a Windlass for that Purpose; and that the Steerer or Person in care of any Boat navigating on the said Canal shall, on approaching any Lock thereon, cause the Horse to be loosened from the Line by which such Boat shall be haled before the Time such Horse arrives at the Beginning of the Wing-walls thereof, and shall pass his Boat through such Lock without the Use of the Horse; and that a Strap or Rope of sufficient Strength shall always be attached to the Stern of every Boat, which the Steerer or other Boatman or Person having the Care thereof shall throw round a Post (for that Purpose properly affixed), in such Manner as to check the too rapid Progress of the said Boat, and prevent it from striking against the Gates or other Works of such Locks; and any Lock-keeper, Steerer, or Person in care of any Boat or Vessel who shall offend against any of the Regulations in this Enactment shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds nor less than One Pound.

Boats not to
be loaded or
unloaded on
Banks or in
Locks, &c.

XVI. And be it further enacted, That no Boatman or other Person navigating a Boat or other Vessel on the said united or consolidated Canal shall take into or discharge from any such Boat or Vessel the
Whole

Whole or any Part of the Lading thereof from or upon the Bank of any Aqueduct, or whilst such Boat remains in the Chamber of any Lock, or within the Distance of Fifty Yards of any Aqueduct, Lock, or Bridge on the said Canal, except from or upon any regular Wharf which shall be within the said Distance, or except with the Consent in Writing of the Company's Superintendent for the Time being; and every Boatman or other Person having the Care of any Boat or other Vessel on the said Canal shall, when not navigating the same, moor and fasten or cause to be moored and fastened such Boat or Vessel at both Ends on the Side of the Canal which is opposite to the Towing Path; but that no Boatman or other Person shall tie up any Boat or Vessel within Fifty Yards of any Lock, Bridge, Aqueduct, or Stop-gate on the said Canal without the Consent in Writing of the Company's Superintendent for the Time being; and any Boatman or other Person who shall offend against any of the foregoing Regulations in this Act contained, or who shall wilfully unmoor or unfasten any Boat or other Vessel on the said Canal, and leave or cause the same to be adrift, shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds nor less than One Pound.

Boats not navigating to be tied up, &c.

XVII. And be it further enacted, That at all Wharfs and other Places upon the said united or consolidated Canal where Coal, Goods, Merchandize, Materials, or other Things are landed out of or loaded into Boats or other Vessels, there shall be a Wall built or Piles driven, and a Stank, Stage, or Landing Place erected, that Boats may be fastened close to the Side of the Canal to be loaded or unloaded there; and that all Coal, Goods, Merchandize, Materials, or other Things which shall be unloaded at any Wharf or other Place on the Side of the said Canal shall be placed at least Five Feet back from the Edge of the Stank, Stage, or Landing Place so erected; and that every Boat coming up to a Wharf, as soon as it is brought to its Station, shall be haled to the Side, and fastened at both Ends, and be discharged of its Lading with all convenient Speed; and no Boat, after having completed its Lading, shall remain at such Wharf, or upon any other Part of the Canal longer than One Hour without proceeding to the Place of its Destination, provided the Time for its Departure be seasonable and according to the Provisions of this Act; and any Captain or Steerer of a Boat or other Vessel, or Person in care thereof, or any Owner or Owners of a private Wharf or Landing Place on the said Canal, who shall offend against any of the Regulations in this Enactment, shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Forty Shillings nor less than Twenty Shillings.

For further regulating the loading and unloading of Boats;

and their Passage on the Canal.

XVIII. And be it further enacted, That no Person shall ride any Horse, Ass, Mule, or other Beast, or drive or pass any Cart or other Vehicle, on the Towing Path of the said united or consolidated Canal (except in Cases where the same is by Law constituted a public Road), nor shall load or unload any Boat from or upon or carry and convey such Loading across the said Towing Path without the Consent of the Committee of Management, or their Clerk or Superintendent, for the Time being; nor shall any Person throw, cast, or lay on any Part of any Bank or Towing Path

Towing Path not to be ridden upon except in special Cases, nor trespassed upon by casting Rubbish, &c.

Path belonging to the said Canal or its Branches any Dung or other Manure, Dust, Ashes, Rubbish, or other Matter, nor shall make a Road across, pull up, break Gaps in, or in any way whatever injure or destroy, or cause to be injured or destroyed, any Part of the Fences of the said Towing Path or other Works of the said Canal, or the Gates or Stiles connected therewith; and any Person who shall offend against any of the Regulations in this Clause contained shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds nor less than One Pound.

Penalty on Owners of Cattle found loose on the Towing Path.

XIX. And be it further enacted, That if any Horse or other grazing Beast shall be found loose on the said Towing Path (except in Cases where the Lands adjoining are not fenced off from such Towing Path), the Owner or other Person having the Care of such Horse or other Beast shall forfeit and pay to the said Company any Sum not exceeding Forty Shillings nor less than Ten Shillings.

Hours of Business at Wharfs, &c.

Regulations for Boatmen at Wharfs;

and respecting their Horses.

XX. And be it further enacted, That the Hours of doing Business at the Wharfs and Warehouses belonging to the said united or consolidated Company shall be the same as those for navigating Boats upon the Canal; and that no Boatman or other Person shall remain upon such Wharfs or in such Warehouses after the Expiration of the said Hours, upon being required to quit the same by the Company's Wharfinger or other Servant in care of such Wharf or Warehouse; and that no lighted Candle shall at any Time be used in the Company's Warehouses except in a Lantern, and then only with the Permission and in the Presence of the said Wharfinger or other Servant; and no Boatman or other Person shall be allowed to sleep in the Night in the Cabin or on board of any Boat within any of the Company's Wharfs upon the said Canal, and that no Fire shall be allowed to be made in any Boat lying in the said Wharfs, without Permission of the said Wharfinger or Person in care of the same; and no Horse infected with any contagious Disease shall be employed to hale Boats or for any other Purposes on the Line of the said Canal; and the Steerer or other Person having the Care of any Boat which shall be haled by any such Horse, or the Person using such Horse in any other Way on the said Canal, or any Boatman or other Person who shall offend against any of the Regulations in this Clause, shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Three Pounds nor less than Two Pounds.

Regulations for Boats, &c. coming into Basins, &c.;

XXI. And be it further enacted, That the Steerer or Person having the Care of any Boat or other Vessel coming into any Basin adjoining any Wharf or Warehouse belonging to the said Company shall tie up and moor such Boat or Vessel in such Place and Manner as the Company's Wharfinger or Person in care of such Wharf or Warehouse shall direct; and that all Coal, Goods, Wares, and Merchandize, or other Things unloaded or to be unloaded at any Wharf or deposited in any Warehouse belonging to the said Company, shall be laid and placed in such Manner and on such Part of the said Wharf or in the said Warehouse as the said Wharfinger or Person in the Care of such Wharf or Warehouse shall direct and appoint; and that every Carriage coming to any Wharf belonging

belonging to the said Company for the Purpose of being loaded or unloaded shall, after a reasonable Time for such loading or unloading, be removed as the said Wharfinger or Person in care of such Wharf shall direct; and all Carriages which are intended to be weighed at any of the Company's Machines shall be weighed thereat in rotation according to the Order in which they have entered the said Wharf, and shall not cross each other to gain a Preference in turn; and that no Wharfinger, Toll Collector, or Lock-keeper of the said Company shall, under any Pretence or Colour whatsoever, ask, demand, or receive for doing or executing any Part of the Business incident to his Office or Employment under the said Company any other Pay or Gratuity whatsoever than what shall be paid or allowed to him by the said Company, except with the Consent of the Committee of Management; and that as well any Boatman, Steerer, or Person in care of any Vessel or Carriage coming alongside or into any Wharf or Warehouse of the said Company, and offending against any of the Regulations in this Clause, as also any Wharfinger, Toll Collector, or Lock-keeper of the said Company who shall offend against any of the same Regulations, shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Three Pounds nor less than One Pound: Provided always, that it shall not be deemed an undue Preference in any Toll Collector or Lock-keeper of the said Company to permit any Boat or Vessel of the Description usually denominated Fly-boats to pass any Stop-gate, Bar, or Lock at extraordinary Hours before a Boat or Vessel laden with heavy Commodities, and not coming under the Description or Denomination of a Fly-boat.

and for Carriages coming into Wharfs.

Servants not to take Fees, &c.

Preference may be given to Fly-boats.

XXII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously break open or cause to be broken open any Padlock or other Fastening of any Lock, Stop-gate, Bar, or Chain belonging to the said Company, or if any Boatman or other Person shall draw the Paddles of or attempt to pass his Vessel through any Lock upon the said united or consolidated Canal during the Time such Lock shall be under repair, or during the Time that Part of the Canal in which such Lock is situated shall be shut up, either for the Purpose of Repairs or of regulating the Water belonging thereto, every such Person shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds nor less than Three Pounds.

Penalty on breaking open Padlocks or other Fastenings, or attempting to pass Locks under repair.

XXIII. And be it further enacted, That in case any Person shall bathe in the said united or consolidated Canal or any Part thereof, or in any Waterway, Reservoir, Feeder, or Pond being the Property of the said Company, without Permission of the Committee of Management, or their Clerk or Superintendent, it shall be lawful for any Justice of the Peace for the County, Town, or Place in which such Person shall so bathe, and he is hereby required, upon Complaint made to him by One or more credible Witness or Witnesses of any such Offence, to issue a Warrant to apprehend the Party or Parties so accused; or it shall be lawful 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,

Penalty on bathing in the Canal.

to deliver him or them into the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for such County, Town, or Place, who, on such Party or Parties being brought before him, shall proceed to examine upon Oath any Witness or Witnesses who shall appear to give Evidence touching such Offence; and such Party or Parties, being convicted, either by his or their Confession or upon such Evidence as aforesaid, shall for every such Offence respectively, and if more than One shall severally, forfeit and pay to the said Company of Proprietors any Sum not exceeding Forty Shillings; and in case such Offender or Offenders shall not upon Conviction forthwith pay such Penalty by him or them incurred such Justice is hereby required to commit such Offender or Offenders to the Common Gaol or House of Correction for such County, Town, or Place, there to be kept to hard Labour for any Time not exceeding One Calendar Month, and such Offender or Offenders shall not be discharged before the Expiration of the Time for which he or they shall be so committed unless such Penalty as aforesaid be sooner paid.

Unqualified
Persons not
to fish in the
Canal.

XXIV. And be it further enacted, That if any Person or Persons shall angle or fish with Nets or otherwise in the said united or consolidated Canal, or in any Reservoir belonging thereto, without being entitled to do so under the Provisions of the said recited Act, or except with the Permission of the Committee of Management, or their Clerk or Superintendent for the Time being, every such Person shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds nor less than Twenty Shillings.

Drawbridges,
&c. not to be
wantonly
opened.

XXV. And be it further enacted, That if any Person or Persons shall needlessly and wantonly open or draw up any Drawbridge, Balance-bridge, or Swivel-bridge on the said united or consolidated Canal, or shall wilfully leave open any Gate belonging thereto, or upon or adjoining the Towing Path thereof, such Person or Persons shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Twenty Shillings nor less than Ten Shillings.

Boats of
Offenders
against this
Act may be
detained.

XXVI. And be it further enacted, That if any Person or Persons, having the Care of or belonging to any Boat or other Vessel navigating on the said united or consolidated Canal, shall, in the Presence of any Toll Collector, Lock-keeper, or other Servant of the said Company, wilfully offend against any of the Provisions of the said recited Act or of this Act, it shall be lawful for such Toll Collector, Lock-keeper, or other Servant to lock the Paddles of the next or any other Lock, or to fasten any Stop-gate, Bar, or Chain that such Boat or Vessel shall be approaching on the Canal, so as to prevent such Boat or Vessel from passing until the Case has been investigated before a Justice of the Peace for the County, Town, or Place in which such Offence shall have been committed, or until such Offender or Offenders shall have made Reparation for the Injury sustained by the Company by reason of such Offence; and that all Persons convicted in any Penalty for offending against any of the Provisions of the said recited Act or of this Act shall, over and above the same, pay all Fees and Expences attending his or their Apprehension,

Expences of
prosecuting
Offenders.

and Conviction, to be ascertained by the Justice before whom the Case shall be heard; provided that such Penalty, Fees, and Expences shall not altogether exceed the Sum of Five Pounds.

XXVII. And whereas in and by the said recited Act it is enacted, that for the better ascertaining and more easily collecting of the Tolls, Rates, or Duties thereby authorized to be taken, the Master, Owner, or other Person having the Care of any Boat, Barge, or other Vessel or Raft navigating upon the Canals and Cuts respectively thereby united, or any Part thereof, shall from Time to Time give in a just and true 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, and Weight of the Goods, Wares, Merchandize, and Commodities contained in every Boat, Barge, or other Vessel or Raft, or of which such Raft shall consist, 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, or from any Raft within the Limits of the said united Navigation, before their Arrival at the Place where such Account is to be given; and if such Goods, Wares, Merchandize, or Commodities 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 united Company the Sum of Forty Shillings for every such Offence, over and above all the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandize, or Commodities: And whereas the said Penalty of Forty Shillings has been found insufficient to prevent Frauds upon the said Company in the several Matters aforesaid; be it therefore further enacted, That from and immediately after the passing of this Act every such Master, Owner, or other Person who shall neglect or refuse to give such Account as aforesaid in manner in the said recited Act mentioned, or shall refuse to produce for the Toll Collector's Inspection his Permit, Invoice, or Bill of Lading, or to remove the Tarpaulin or other Covering of his Boat or Vessel (if required so to do) in order that the said Collector may have a clear and distinct View of the Cargo contained therein, so that he the said Collector may be enabled to compare the same with such Permit, Invoice, or Bill of Lading, or shall give a false Account of such Lading, or shall deliver any Part of the same at any other Place than what shall be mentioned in such Permit, Invoice, or Bill of Lading, shall forfeit and pay to the said Company of Proprietors, in lieu and stead of the said Sum of Forty Shillings, the Sum of Ten Pounds for every such Offence, over and above the Tolls, Rates, or Duties which shall be payable for such Goods, Wares, Merchandize, or Commodities; and in case of Nonpayment thereof, upon Demand, the same shall be recovered in such and the like Manner as the said Sum of

Forty

Penalty for giving false Declarations or Invoices.

Forty Shillings could or might have been recovered by virtue of the said recited Act.

Authenticat-
ed Bye Laws
to be Evi-
dence.

XXVIII. And whereas it is by the said recited Act provided that the Copies of certain Rules, Orders, and Bye Laws thereby authorized to be made shall be written or printed in legible Characters, and be affixed and continued in some conspicuous Place or Places upon all Wharfs on the said Navigation: And whereas it is attended with great Inconvenience to the said Company to prove, upon every Prosecution for Offences against such Bye Laws, that such Bye Laws have been made, affixed, and actually continued to the Time of such Prosecution upon every One of the Wharfs on the said Navigation; for the Remedy thereof be it further enacted, That in all Cases of Prosecution for Offences against the said Rules, Orders, and Bye Laws, or any of them, the Production of a printed Paper, purporting to be the Bye Laws of the Company, and authenticated by the Common Seal of the Company being affixed thereto, shall be sufficient Evidence of the Existence of such Rules, Orders, or Bye Laws; and 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 in case of its being afterwards displaced or damaged hath been replaced with another such Paper as soon as conveniently might be, in some conspicuous Place upon 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 not been duly kept up and generally continued at such Wharf.

Repealing
Clause of re-
cited Act re-
specting
Wharfage.

XXIX. And whereas by the said recited Act it is enacted, that if any Goods, Wares, Merchandize, or Commodities whatsoever which shall be carried or conveyed upon the said united Navigation shall remain upon any Wharf or Quay belonging to the united Company of Proprietors for above the Space of Forty-eight Hours, then and in such Case the said united Company of Proprietors shall be entitled to have and receive such reasonable Tolls or Allowances for the Wharfage thereof, over and above the Rates, Tolls, and Duties therein-before authorized to be taken, as shall be agreed on between the said Company of Proprietors, or their Agent or Agents, and the Owner or Owners of such Goods, Wares, Merchandize, or Commodities; and in case any Difference or Dispute shall arise concerning such Allowance the same shall be ascertained and adjusted by any Two or more of His Majesty's Justices of the Peace: And whereas the said recited Clause is insufficient and unsatisfactory, as well to the Public and the Traders on the said Navigation as to the said Company of Proprietors, by reason that no settled Rates or Duties are fixed and established thereby, and consequently Disputes and Misunderstandings frequently arise touching the same; be it therefore further enacted, That the said Clause shall be and is hereby declared to be repealed and null and void, without prejudice nevertheless to any thing heretofore done under the same,

Rates of
Wharfage
and Ware
housing.

XXX. And be it further enacted, That immediately from and after the passing of this Act it shall and may be lawful for the said Company from Time to Time and at all Times hereafter to ask, demand, take, and receive,

receive, to and for their own Use and Benefit, for the Wharfage and Warehousing of Articles which shall have been carried and conveyed along the said Canal, and afterwards landed on or deposited in any Wharf or Warehouse belonging to the said Company, the following Rates and Duties; (that is to say,)

For the Wharfage of Coals, Road Stone, Bricks, or Manure of any Kind, Three-pence *per* Ton, and so in proportion for any greater or less Quantity than a Ton:

For the Wharfage of Building and Paving Stone, and Wharfage or Houseage in Sheds of Coke, Salt, Slates, Tiles, Lead, Iron, Lime, round or square Timber, Deals or Battens, Sixpence *per* Ton, and so in proportion for any greater or less Quantity than a Ton:

For the Wharfage or Warehousing of Household Furniture in Packages, *per* Sixty Cubical Feet (according to the exterior Measure taken on the Area of each Package), One Shilling, and so in proportion for any greater or less Quantity:

For every Sack of Turnip Seed, Clover Seed, Linseed, Hempseed, or any Kind of small Seed, except Grass Seed, Two-pence:

For every Sack of Wheat, Flour, Malt, Meal, Tares, or Grass Seed, One Penny:

For every Sack of Beans, Barley, or Oats, One Halfpenny:

For every Bundle of new Sacks, One Penny:

For every Dozen of Hurdles, Flakes, or Sheep Cribs, One Penny:

For all other Goods, Wares, Merchandize, and Things, as follows; single Articles not exceeding Fifty-six Pounds in Weight, Two-pence; single Articles weighing Fifty-six Pounds and not more than One Hundred Weight, Three-pence:

Articles or Quantities of Articles weighing upwards of One Hundred Weight, for the first One Hundred Weight Three-pence, and for every Hundred and Fraction of a Hundred Weight in addition the Sum of One Halfpenny.

XXXI. And be it further enacted, That the Weight or Measure of all Articles chargeable with Rates and Dues for Wharfage and Warehousing shall be ascertained and charged in the same Manner as is provided by the said recited Act for the levying and charging the Tolls, Rates, and Duties payable for navigating the said Canal; and that if such Articles remain deposited on any Wharf or in any Warehouse or Shed belonging to the said Company for a longer Period than Fourteen Days, the same Rates and Duties shall be renewed and re-charged in respect thereof for every Fourteen Days such Articles shall continue on such Wharf or in such Warehouse or Shed, in addition to the first Charge, or for any smaller Number of Days over and above the first or any succeeding Fourteen Days.

How Wharfage and Warehouse Rates are to be calculated

XXXII. And be it further enacted, That for all or any Article or Articles deposited on any Wharf or in any Warehouse or Shed belonging to the said Company, and which shall be carried or conveyed away therefrom without passing on any Part of the said Canal, it shall be lawful for the said Company of Proprietors to ask, demand, take, and receive Double the Amount chargeable on such Article or Articles according to the

Double Rates on Articles not carried on the Canal.

Wharfage
not to be
charged un-
der 24 Hours.

Rates herein-before stated: Provided always, that no Charge for Wharfage shall be made by the said Company of Proprietors for any Article or Thing which, having been carried along the said Canal and landed on any Wharf thereof, shall not remain on such Wharf for a longer Time than Twenty-four Hours, not reckoning the several *Sundays* or Days on which Business is not transacted at the Wharfs as any Part of the said Twenty-four Hours: And provided always, that the said Company of Proprietors shall not be held responsible for the safe Custody of any Article or Thing whatsoever so exempted from the Charge of Wharfage.

Goods, &c.
a Lien for
Wharfage and
Warehouse
Dues.

XXXIII. And be it further enacted, That all Charges for Wharfage or Warehousing of any Goods, Wares, Merchandize, or Things on the said Canal shall be paid to the Wharfinger, Collector, Porter, or other Agent for the Time being of the said Company, at the several Wharfs where the same shall become due, before any such Goods, Wares, Merchandize, or Things shall be removed from the Wharf, Warehouse, or Shed in which the same may have been deposited; and that it shall be lawful for such Wharfinger, Collector, Porter, or other Agent to detain all or any such Goods, Wares, Merchandize, and Things until the Rates and Duties thereon are fully paid and discharged; and if any such Goods, Wares, Merchandize, or Things shall be left on such Wharf or in such Warehouse or Shed for a longer Period than Three Calendar Months from the Date of the Deposit thereon or therein it shall be lawful for the said Company, by their Clerk or Superintendent, to give Notice in Writing to the Owner or Owners of such Goods, Wares, Merchandize, or Things, or to the Person or Persons by whom the same was or were landed on the Wharf, or deposited in the Warehouse or Shed, to remove the same within Fourteen Days, and pay up all the Rates and Duties due for the Custody thereof; and in case the Owner or Owners of such Goods, Wares, Merchandize, or Things, or the Person or Persons by whom the same shall have been landed or deposited on such Wharf, or in such Warehouse or Shed, shall neglect or refuse to remove the same, it shall be lawful for the said Company to cause the same to be sold by public Auction, and to deduct from the Proceeds of the Sale the Sum due for Wharfage or Warehousing up to the Time of such Sale, together with all Expences of such Sale and incident thereto, rendering the Overplus, if any, upon Demand, to the Owner or Owners of such Goods, Wares, or Merchandize.

Company
may sell
Goods, &c.
after Three
Months De-
posit, upon
giving Notice.

Rates, &c.
how to be
recovered.

XXXIV. And whereas by the said recited Act, in case of Neglect or Refusal to pay any such Rates, Tolls, or Duties as are thereby authorized to be demanded and taken by the said Company of Proprietors, unto the Person or Persons appointed to receive the same by the Committee of Management, such Person or Persons are authorized to seize and distrain the Goods, Wares, Merchandizes, or Commodities for or in respect of which such Rates, Tolls, or Duties ought to have been paid, and the Boat, Barge, or other Vessel or Raft laden therewith, and to detain the same respectively until full Payment should be made of such Rates, Tolls, or Duties, and of all Arrears of the same which might be then due from the Owner of such Boat, Barge, or other Vessel or Raft, to the said Company of Proprietors, together with the reasonable Costs and Charges of such Seizure and Distress; and in case such Distress should not be re-
deemed

deemed within Five Days after the taking thereof, the same should and might be appraised and sold as the Law directs in Cases of Distress for Rent; but it is by the said Act provided that nothing therein contained should authorize the selling or distraining of the Cargo of any Boat, Barge, or other Vessel or Raft, for or in respect of any such Arrears, other than and except so much of such Cargo as should *bonâ fide* belong to and be the Property of the Owner or Owners of such Boat, Barge, or other Vessel or Raft; be it further enacted, That in order to afford Time to give to the Owners of any Goods, Wares, Merchandizes, or Commodities belonging to any other Person or Persons than the Owner or Owners of any Boat, Barge, or other Vessel or Raft which shall be seized by or on behalf of the said Company of Proprietors for the Non-payment of any Rates, Tolls, or Duties payable under or by virtue of the said recited Act, Notice of such Seizure of any such Boat, Barge, or other Vessel or Raft, it shall be lawful for the said Company, or the Person or Persons appointed to receive such Rates, Tolls, or Duties, to refrain from selling any such Boat, Barge, or other Vessel or Raft so seized as aforesaid, for any Space not exceeding Twenty-one Days after the taking thereof; and in order to prevent Damage to the Goods, Wares, or Merchandizes not belonging to the Owner or Owners of any such Boat, Barge, or other Vessel or Raft which shall be so seized as aforesaid, it shall be lawful for the said Company of Proprietors to place such Goods, Wares, or Merchandizes in any Warehouse or other proper Building of the Company, or to convey such Goods, Wares, or Merchandizes to the Proprietor thereof in any Boat, Barge, or other Vessel or Raft belonging to the Company, and to charge to the Owner of such Boat, Barge, or other Vessel or Raft which shall be so seized such Sum or Sums of Money for the Wharfage and Warehousing of such Goods, Wares, or Merchandizes as the said Company would be authorized by this Act to charge for any Goods, Wares, or Merchandize of the same Kind which shall have been carried and conveyed along the said Canal, and afterwards landed on or deposited in any Wharf or Warehouse belonging to the said Company, or to charge to the Owner of such Boat, Barge, or other Vessel or Raft so seized, for the conveying such Goods, Wares, or Merchandizes to the Proprietor thereof, according to the Distance the same shall be so conveyed, such Sum or Sums of Money as shall be equal to the Charge imposed by the said recited Act for the Tonnage of the like Goods, Wares, or Merchandizes upon the said Canal for the like Distance; and such Sum or Sums of Money so to be charged for Wharfage, Warehousing, or Tonnage, as the Case may be, shall be recoverable in like Manner as any Rates, Tolls, or Duties granted by the said recited Act are recoverable under or by virtue of the same or of this Act.

XXXV. And be it further enacted, That all and singular the Provisions, Powers, Directions, Penalties, Forfeitures, Clauses, Regulations, Matters, and Things whatsoever mentioned or contained in the said recited Act shall, in the Execution of this Act, so far as the same are applicable (and except where and so far as the same are hereby expressly varied or altered or allowed to be altered), be used and applied, extended and construed, in like Manner as if the same (except as aforesaid) were specially repeated and

Powers of former Act extended to this Act.

and re-enacted in or by this Act; and that all Penalties given and granted by this Act shall be recovered and recoverable in the Manner prescribed for the Recovery of Penalties by the said recited Act.

Justices may proceed by Summonses in the Recovery of Penalties.

XXXVI. And be it further enacted, That in all Cases in which by this or the said recited Act any Penalty is made recoverable by Information before any Justice of the Peace it shall be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this or the said recited Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing were exhibited.

How Penalties, Forfeitures, and Fines are to be recovered and applied.

XXXVII. And be it further enacted, That all Fines, Penalties, and Forfeitures for all and every the Offences in this or the said recited Act mentioned in relation to which the Manner of convicting the Offender or Offenders is not particularly mentioned or directed, or which shall be inflicted or imposed by any Rule, Order, or Bye Law to be made under the Authority of this or the said recited Act, shall, in case of Nonpayment thereof, be adjudged by and be recovered before any Justice of the Peace for the County or Place wherein the Offence shall arise in a summary Way, together with all such Costs, Charges, and Expences as such Justice shall adjudge and determine to be fair, reasonable, and proper to be allowed (and which he is hereby authorized and empowered to ascertain accordingly); and any such Justice of the Peace is hereby authorized and empowered to convict the Offender or Offenders upon Information by Oath of any Person or Persons (which Oath such Justice is hereby authorized to administer); or on the Confession of the Party offending; and in default of Payment of such Penalties or Forfeitures, and of such Costs, Charges, and Expences, they shall be levied by Distress and Sale of the Offender's Goods and Chattels, or of the Goods and Chattels of the said Company, if they shall offend and be convicted as aforesaid of any Offence in this or the said recited Act mentioned, by Warrant under the Hand and Seal of such Justice; and one Moiety of the Penalties and Forfeitures, when recovered, after rendering the Overplus (if any); on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted), shall be paid to the Informer, and the other Moiety thereof shall be paid to the Overseers of the Poor of the Parish wherein the Offence shall be committed, to be by them applied towards the Relief of the Poor of such Parish; and in case such Penalties and Forfeitures, Costs, Charges, and Expences, shall not be forthwith paid upon Conviction by any Person or Persons offending and convicted, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient

cient Security to the Satisfaction of such Justice for his or their Appearance before him on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Eight Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of any such Justice, either by the Confession of the Offender or Offenders, or otherwise, that such Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges could be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for any such Justice of the Peace, and he is hereby authorized and required, by Warrant under his Hand and Seal to commit such Offender or Offenders to the House of Correction or Common Gaol for the County or Place wherein such Offence shall be committed, there to remain for any Time not exceeding Six Calendar Months, unless such Penalties, Forfeitures, and Fines, Costs, Charges, and Expences, and all other reasonable Costs and Charges attending the Recovery thereof, shall be sooner paid and satisfied.

XXXVIII. And whereas by an Act passed in the Fifty-third Year of the Reign of His Majesty King *George* the Third, for facilitating and rendering more convenient and less expensive the Conveyance of all Kinds of Commodities, and for opening a Communication between *South Wales*, the Counties of *Hereford*, *Worcester*, and *Gloucester*, and His Majesty's Forest of *Dean* and the City of *London*, Power was given to unite the said *Wilts* and *Berks* Canal with the *Thames* and *Severn* Canal Navigation: And whereas the Union of the said Two Canals hath in consequence thereof taken place, but the Facility in the Conveyance of the Commodities purported to be effected by such Union continues to be much impeded by reason of the Inequality of the Locks, as well as great Loss of Water arising in consequence thereof, upon the said *Thames* and *Severn* Canal Navigation; be it therefore further enacted, That it shall and may be lawful for the said united Company of Proprietors of the *Wilts* and *Berks* Canal Navigation, by and with the Consent of the Company of Proprietors of the *Thames* and *Severn* Canal Navigation first had and obtained, or it shall and may be lawful for the said Company of Proprietors of the *Thames* and *Severn* Canal Navigation themselves, their Agents, Workmen, or Servants, and they are hereby empowered so to do, to shorten, reduce, contract, or otherwise alter such and so many of the Locks, Bridges, and other Works upon the said Canal, as to them the said Company of Proprietors of the *Thames* and *Severn* Canal Navigation shall be deemed requisite and necessary for the more effectually facilitating the Traffic between the said Two Canals.

For facilitating the Traffic between the *Wilts* and *Berks* and *Thames* and *Severn* Canal Companies.

XXXIX. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, or in any way incident thereto, shall be borne, paid, and defrayed by the said Company out of the Money received or to be received under the said recited Act or this Act, or either of them, in preference to any other Payments whatsoever.

Expences of the Act.

[Local.]

[20 R]

XL. And

1814

5° & 6° GULIELMI IV. *Cap.lix.*

Public Act.

XL. 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.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1835.