ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 182.

An Act for making and maintaining a Navigable Canal, from the *Wilts* and *Berks* Canal, in the Parish of *Swindon*, in the County of *Wilts*, to communicate with the *Thames* and *Severn* Canal, in the Parish of *Latton*, in the same County.

[2d *July* 1813.]

WHEREAS the making and maintaining of a Navigable Canal for Boats, Barges and other Vessels, from and out of the *Wilts* and *Berks* Canal, at or near *Eastcott*, in the Parish of *Swindon*, in the County of *Wilts*, to join or communicate with the *Thames* and *Severn* Canal, at or near a Place called *Weymoor Bridge*, in the Parish of *Latton* in the said County, will greatly facilitate, and render more convenient and less expensive than at present, the Conveyance of all Kinds of Commodities, to and from the Towns and Places near the Line of such Canal, and will open a Communication between *South Wales*, the Counties of *Hereford*, *Worcester* and *Gloucester*, and His Majesty's Forest of *Dean*, and the City of *London*; and will also be of great public Utility; but such Canal cannot be made without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That Lord Viscount *Ashbrook*, *Nathan Atherton*, *Atkins Edwin Martin Atkins*, *Maurice George Bissett*, *Joseph Butler*, *Thomas William Best*, The *Bollo* Pill Railway Company by *John Fendall*, *Thomas Baker*, *Thomas Bush*, *Ann* Names of Proprietors.

Ann Bryan, *William Bowles*, *Thomas Fox Bricknell*, *John Butler*, *Robert Trotman Coates* Clerk, *Timothy Cobb*, *Mary Codrington* Widow, *Edward Child*, *Simon Crook*, *James Crowdy*, *James Cole*, *William* Earl of *Craven*, *William Wiſeman Clarke*, *William Davis*, *John Diſney* Clerk, *Charles Dewell* Clerk, *William Foxton*, *Francis Fladgate*, *Lewis Diſney Fytche*, *Thomas Groves*, *Richard Morgan Graves* Clerk, Doctor in Divinity, *Ambroſe Goddard*, *William Hallett*, *Robert Humphrys*, *Edmund Hood*, *Michael Hoy*, *Thomas Jennings*, *John Kirby*, *William Jubb*, *Richard Wootten* and *Thomas Jubb*, *John Kirby*, *Richard Kirby* junior, *Henry Garret Key*, *Edward John Littleton*, *Joſeph Locke*, *James Maddock*, *William Mattingly*, *William Kent*, *William Brooks* and *Benjamin Kent*, *Benjamin Morland*, *Henry Moore*, *William Morland*, *William Mattingly*, *William Henry Price*, *John Prower* Clerk, *Joſeph Pitt*, *Robert Croome*, *Devereux Bowley* and *William Wood*, *Joſeph Prieſtly*, the Earl of *Peterborough*, *Joſeph Pitt*, *James Pullen*, *Edmund Ruck*, *William Rowland*, *Joſeph Bouchier Smith*, *Richard Stratford*, *Richard Cowliſhaw Sale*, *John Francis Spenlove*, *Richard Smith*, *Samuel Shaen*, *Richard Horſman Solly*, *George William Syms*, *Thomas Tubb*, *William Throckmorton*, *William Tubb*, *William Taylor*, *Edward Thornhill*, *James Vine*, *William Wells*, *Henry Walford*, *Richard Wootten*, *Thomas Richard Walker*, *Moreton Walhouſe*, and their reſpective Succeſſors, Executors, Adminiſtrators and Aſſigns, or ſuch of them as ſhall from Time to Time be poſſeſſed of any Share or Shares in the Navigation and Undertaking hereby authorized to be made and carried on, and alſo ſuch other Perſon or Perſons as ſhall from Time to Time be poſſeſſed of any Share or Shares therein, ſhall be and they are hereby accordingly united into a Company for carrying on, making, completing and maintaining the ſaid Canal, for the Paſſage of Boats, Barges and other Veſſels, according to the Rules, Orders and Directions herein-after contained; and ſhall for that Purpoſe be one Body Politic and Corporate, by the Name of "The Company of Proprietors of the *North Wilts* Canal Navigation," and by that Name ſhall have perpetual Succeſſion and a Common Seal, and by that Name ſhall and may ſue and be ſued; and ſhall alſo have full Power and Authority to purchaſe Lands, Tenements and Hereditaments, to them, their Succeſſors and Aſſigns, for the Uſe of the ſaid Undertaking; and alſo to ſell and diſpoſe of any of the Lands, Tenements or Hereditaments to be purchaſed by them, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and that it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby accordingly fully authorized and empowered, from and after the paſſing of this Act, by themſelves or by their Deputies, Agents, Officers, Workmen or Servants, to make and keep navigable and paſſable for Boats, Barges and other Veſſels, a Canal from and out of the *Wilts* and *Berks* Canal, at or near *Eaſtcott*, in the Pariſh of *Swindon* in the County of *Wilts*, into and through the ſeveral Pariſhes, Townſhips or Places of *Swindon*, *Eaſtcott*, *Rodbourne Cheney*, *Even Swindon*, *Moreden*, *Purton*, *Cricklade Saint Sampſon*, *Great* and *Little Chelworth*, and *Latton*, in the ſaid County of *Wilts*, to join or communicate with the *Thames* and *Severn* Canal, at a Place called *Weymoor Bridge*, in the Pariſh of *Latton* in the ſame County, and to take and uſe Water for puddling the ſaid Canal, and for making Bricks for the Works of the ſaid Canal, whilſt the ſame ſhall be making and not afterwards, from all ſuch Springs as ſhall be found in making the ſaid intended Canal, and from all Rivers, Springs, Brooks, Streams, and Watercourſes whatſoever, which are or ſhall be found within the

Proprietors united into a Company, and declared to be a Body Politic and Corporate, with Power to purchaſe Lands, &c.

the Diſtance of One thouſand Yards from any Part of the ſaid intended Canal, and for that Purpoſe to make ſuch Drains, Channels, or Feeders, as may be neceſſary for conducting Water from any ſuch Rivers, Springs, Brooks, Streams, or Watercouſes, to the ſaid intended Canal or any Part thereof, whilſt the ſame ſhall be making, as they the ſaid Company of Proprietors ſhall from Time to Time think proper and expedient, and for ever after the ſaid Canal ſhall be made, to ſupply the ſame with Water from the ſaid *Wilts* and *Berks* Canal Navigation; and for the ſeveral Purpoſes aforeſaid the ſaid Company of Proprietors, and their Deputies, Agents, Officers, Workmen, and Servants, are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to any Perſon or Perſons, Bodies Politic, Corporate, or Collegiate whatſoever, and to ſurvey and take Levels of the ſame or any Part thereof, and to ſet out and aſcertain ſuch Part or Parts thereof as they the ſaid Company of Proprietors ſhall think neceſſary and proper for the making, completing, maintaining, improving, and uſing of the ſaid Canal, and other Works and Conveniences hereby authorized to be made, and there to bore, dig, cut, trench, and ſough, and alſo to remove, carry away, and take any Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things whatſoever, which ſhall or may be dug or got in the making, or which may hinder, prevent, or obſtruct the making, carrying on, maintaining, or repairing of the ſaid Canal and other Works, or of ſuch Drains, Channels, or Feeders as ſhall be neceſſary to convey Water to or from the ſaid Canal, whilſt the ſame ſhall be making, according to the true Intent and Meaning of this Act; and alſo to make, build, erect, or ſet up in or upon the ſaid Canal, or in or upon the Lands adjoining or near thereto, ſuch and ſo many Bridges, Tunnels, Soughs, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Baſons, Drains, Wharfs, Quays, Toll Houſes, Warehouſes, Watch Houſes, Landing Places, Weighing Beams, Cranes, Docks, Ways, Roads, and Conveniences as and where they the ſaid Company of Proprietors ſhall think requiſite and convenient; and from Time to Time to alter, repair and amend, or diſcontinue the ſame, or any of them, as ſhall be thought expedient and uſeful for the Purpoſes of the ſaid intended Navigation, and for the carrying and conveying of Goods, Wares, Merchandizes, and other Things to and from the ſaid Canal, and for the carrying and conveying of all Kinds of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, amending, widening, or enlarging of the ſaid Canal and other Works reſpectively, and to place, lay, work, or manufacture any Materials on the Lands or Grounds near to the Place or Places (other than and except any Part of the Towing Path belonging to, or any Part of the Lands veſted in, the Proprietors of the *Thames* and *Severn* Canal) where the ſaid Works or any of them ſhall be carrying on; and alſo from Time to Time to make, maintain, repair, divert, and alter any Fences, Roads, or Paſſages over, under, or through the ſaid Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Gutters, Watercourſes, and Sluices, which ſhall communicate therewith reſpectively; and alſo to make, ſet out, and appoint ſuch Towing Paths, Banks, Roads, and Ways, for the towing, hauling, or drawing of Boats, Barges, or other Veſſels paſſing upon the ſaid Canal with Men, Horſes, or otherwiſe, and ſuch convenient Places for Boats, Barges, and other Veſſels to turn, lie in, or paſs each other, as the ſaid Company of Proprietors ſhall think proper and expedient;

and also to dig, take, and carry away any Soil, Clay, Gravel, Sand, Chalk, Flint, or Stone, which shall be proper, requisite, and convenient for the making, carrying on, repairing, and maintaining of the several Works aforesaid, or any of them, in or from the Grounds of any Person or Persons adjoining or lying contiguous thereto, or within the Distance of One thousand Yards thereof; they the said Company of Proprietors, and their Agents, Servants, and Workmen doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and repairing such Damage as shall be deemed practicable, and be directed by the Commissioners herein-after appointed, and from Time to Time making Satisfaction, in the Manner herein-after mentioned, to the Owners or Proprietors of, or the Persons interested in, the Lands, Grounds, Tenements, or Hereditaments, which shall or may be taken, used, removed, diverted, or injured for the Purposes aforesaid, for all Damages to be by them respectively sustained, by Means or in consequence of the Execution of the Powers hereby given.

Power to make Inclined Planes.

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

Houses, or Gardens, &c. except those mentioned, not to be taken or injured.

III. 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 acting by or under their Authority, to take or cut down any Timber or other Trees whatsoever, except such as shall be in the immediate Line of the said Canal, or of the Towing Paths, Banks and other Works belonging thereto, or as shall in any Manner obstruct the Navigation in the said Canal, nor to take, use, injure, or damage any House or other Building, or any Ground which upon the First Day of *March* One thousand eight hundred and thirteen, was the Site of any House or other Building, or any Garden, Orchard, Yard, Park, planted Walk, or Avenue to a House, or any Lawn or Pleasure Ground inclosed or adjoining to a Dwelling House, without the Consent in Writing of the respective Owners and Occupiers thereof, other than and except the several Gardens, Orchards, and Grounds specified in the Schedule hereunto annexed.

Company not to take Water from Thames and Severn Canal, &c.

IV. Provided also, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize or empower the said Company of Proprietors hereby created, under any Pretence, to erect and fix, or cause to be erected and fixed, any Steam Engine or other Engine, Device, or Contrivance whatsoever for raising Water to supply the said intended Canal, nor to take or use in, to, or for the Purposes of the said intended Canal, any Water (except for puddling the said Canal whilst the same shall be making, and for making

Bricks

Bricks for the Works of the said Canal) from or out of the *Thames* and *Severn* Canal, or from or out of the River *Thames* or *Isis*, or from or out of any Streams, Brooks, Waters or Watercourses that run or flow into the River *Thames* or *Isis*, nor to supply the said intended Canal with Water from any Source or by any other Ways or Means whatsoever than from the Summit Level of the *Wilts* and *Berks* Canal Navigation; any Thing in this Act contained to the contrary notwithstanding.

Plan and Book of References deposited with the Clerk of the Peace, to remain in his Custody.

V. And whereas a Map or Plan, describing the Line of the said Canal, and the Lands through which the same is intended to be carried, together with a Book of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, hath been deposited at the Office of the Clerk of the Peace for the County of *Wilts*; 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, to the end that all Persons may, at seasonable Times, have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Book of Reference; and that the said Company of Proprietors, in making the said Canal, shall not deviate from the Line or Course thereof described in the said Map or Plan, without the Consent in Writing of the several Persons through whose Lands, Grounds, or Hereditaments any Deviation may be intended to be made; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any such Deviation, in case all the Persons to whom the Lands, Grounds, or Hereditaments to be cut through or made use of for the Purpose of such Deviation shall belong, shall consent thereto: Provided always, that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said Canal, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Wilts*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

For making Aqueducts and Culverts on the Estates of the Right Honourable Lord Eliot.

VI. And be it further enacted, That the said Company of Proprietors shall, at their own Expence, make and for ever afterwards maintain and keep in Repair an Aqueduct or Culvert over the River or Brook called the *Churn* or *Mill Stream*, in the said Parish of *Latton*, which said Aqueduct or Culvert, so to be made as aforesaid, shall be at least Eight Feet wide and Seven Feet high; and that the said Company of Proprietors shall, at their like Costs and Charges, make and erect, and for ever afterwards maintain and keep in Repair Four other Arches under the said Canal in the Lands of the Right Honourable *John* Lord *Eliot*, in the said Parish of *Latton*, each of which shall be at least Eight Feet wide and Seven Feet high, so as to carry off the Flood Water, and to convey Water for the Use of the Water Meadows of the said *John* Lord *Eliot*.

Earth not to be taken for the Embankment.

VII. Provided also, and be it further enacted, That the said Company of Proprietors shall not dig up or take the Earth from the Land of the said *John* Lord *Eliot* on either Side of the said Canal, for making the

Embankment of the ſaid Canal through the Eſtates of the ſaid *John* Lord *Eliot*.

For making Carriage Bridges on the Eſtate of the Right Honourable Lord Eliot.

VIII. Provided alſo, and be it further enacted, That the ſaid Company of Proprietors ſhall make and erect, and for ever afterwards maintain and keep in Repair for the Uſe of the Owners and Occupiers of the Meadows called *Weymoor*, a good and ſufficient Carriage Bridge of Brick, over the Eaſt End of the ſaid Canal and over the River *Churn* or *Latton Stream*, on the North Side of the ſaid Canal, and alſo one on the South Side of the ſaid Canal, if the ſaid Company ſhall deſtroy or render uſeleſs the preſent Bridges, with ſufficient Archways to allow the Water of the ſaid River or Stream to paſs under the ſaid Bridges without Obſtruction.

Company reſtricted from taking any Streams flowing through the Eſtates of Lord Redesdale and others.

IX. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors or their Succeſſors, under any Pretence whatever, to alter, divert or make uſe of any Springs, Watercourſes, Rivers, Brooks or Streams of Water ariſing in or flowing through the Eſtates now belonging to the Right Honourable Lord *Redeſdale*, *Diana Mary Barker* and *James Wyld* Eſquire, or any of them, ſituate in the Pariſh of *Blunſdon Saint Andrew*, in the ſaid County of *Wilts*, or the Feeders flowing into or ſupplying the ſame Rivers, Brooks, Streams and Watercourſes reſpectively, or to divert the Courſe of the ſaid Rivers, Brooks, Streams, Watercourſes and Feeders, or any of them; but that in all Caſes where the ſaid Canal ſhall be carried acroſs the ſaid Rivers, Brooks, Streams, Watercourſes, and Feeders, or any of them, the ſaid Company of Proprietors ſhall at their own Expence, make and for ever afterwards maintain and keep in good and perfect Repair, proper and ſufficient Culverts, Tunnels, Trenches and Drains for carrying and conveying ſuch Rivers, Brooks, Streams, Watercourſes and Feeders reſpectively, under or by the Side of the ſaid Canal, ſo that the whole of ſuch Rivers, Rivulets, Brooks, Streams, Watercourſes and Feeders reſpectively, may be conducted to and flow in their reſpective uſual and ordinary Courſe, without any Loſs or Diminution whatever.

Width of the Canal and Towing Paths.

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

XI. And

Pieces of Land cut off, being leſs than One Acre, or leſs than Fifty Yards in Breadth, ſhall be purchaſed by the Company if required.

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

Bodies Politic and Corporate, Tenants for Life and other incapacitated Perſons, empowered to ſell and convey Lands.

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

Company

Company of Proprietors shall be made according to the following Form, or as near thereto as the Circumstances of the Case will admit; *videlicet*:

Form of Conveyance.

'I *A. B.* of in Consideration of the
'Sum of to me paid
'[*or*, in Consideration of the Annual Rent of
'to be from henceforth yielded and paid to me by Yearly or equal Half-
'yearly Payments] by The Company of Proprietors of the *North Wilts*
'Canal Navigation, do hereby, in pursuance of an Act made in the Fifty-
'third Year of the Reign of His Majesty King *George* the Third, inti-
'tuled [*insert the Title of the Act*] grant and release unto the said
'Company of Proprietors all [*here insert the proper Description of the Pre-*
'*mises intended to be conveyed*] and all my Estate and Interest therein,
'to hold unto and to the Use of the said Company of Proprietors and their
'Successors for ever, according to the true Intent and Meaning of the
'said Act. In Witness whereof I have hereunto set my Hand and Seal
'the Day of in the Year of Our Lord
'

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

Satisfaction to be made.

XIII. And be it further enacted, That all and every Body and Bodies Politic, Corporate or Collegiate, Trustees, and other Person or Persons herein-before capacitated to sell or convey Lands or other Hereditaments, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments, through, in or upon which the said Canal or other Works hereby authorized to be made shall be made, shall accept and receive Satisfaction for the Value of such Lands and other Hereditaments, and for the Damages to be sustained by completing and making the said Canal and other Works, in gross Sums; and in case the said Company of Proprietors and the said Parties interested in such Lands or other Hereditaments cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners hereby appointed, in such Manner and subject to such Verdict of a Jury if required as is herein-after directed.

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

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

Matters, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors and the ſeveral Proprietors of and Perſons intereſted in any Lands, Grounds, Tenements, Waters, or other Hereditaments, that ſhall or may be taken, uſed, affected, damaged, or injured, in purſuance or in the Execution of any of the Powers hereby granted, and for other the Purpoſes in this Act mentioned.

Qualification of Commiſſioners.

XV. Provided always, and be it further enacted, That no Perſon ſhall act as a Commiſſioner in the Execution of this Act, who ſhall be Owner or Occupier of any Land intended to be purchaſed in order to be cut through for making the ſaid Canal, nor in any Caſe during the Time of his holding any Place of Profit under the ſaid Company of Proprietors, nor during the Time of his being a Proprietor in the ſaid intended Navigation, or in any other Caſe where he ſhall be in anywiſe intereſted or concerned in the Matter in queſtion; and alſo, that no Perſon ſhall act as a Commiſſioner in the Execution of this Act, otherwiſe than in adminiſtering an Oath or Affirmation to the Effect following, until he ſhall have taken and ſubſcribed ſuch Oath or Affirmation before any One or more of the ſaid Commiſſioners, who is and are hereby authorized and empowered to adminiſter the ſame; (that is to ſay),

Oath to be taken by Commiſſioners.

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

Penalty on Perſons acting as Commiſſioners not being duly qualified,

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

Commiſſioners may act as Juſtices of the Peace.

be in the Commiſſion of the Peace for the ſaid County of *Wilts*, to act as Juſtices of the Peace in or relating to the Execution of this Act, notwithſtanding their being ſuch Commiſſioners as aforeſaid.

Meetings of Commiſſioners to be public, and Notice thereof given.

XVI. And be it further enacted, That the ſaid Commiſſioners ſhall hold their Firſt Meeting for the Purpoſes of this Act at *Swindon*, in the County of *Wilts*, at ſuch Time as they ſhall be thereunto required, by Notice to be given in ſome Newſpaper publiſhed or circulated in the ſaid County of *Wilts*, by Order of the Committee of Management, to be appointed by the ſaid Company of Proprietors as herein-after is mentioned, at the Firſt Meeting of ſuch Committee; and the ſaid Commiſſioners may afterwards meet from Time to Time, by Adjournment or otherwiſe, as they ſhall think neceſſary or proper; but no Meeting whatever (except adjourned Meetings of the ſaid Commiſſioners) ſhall at any Time be held (except in ſuch Caſes as are herein-after otherwiſe ordered and provided for,) unleſs Fourteen Days previous Notice at leaſt, of the Time, Place, and Purpoſe of ſuch intended Meeting, ſhall be given and inſerted in ſome Newſpaper publiſhed or circulated in the County wherein ſuch Meeting is intended to be held; and that every Meeting of the ſaid Commiſſioners by virtue of this Act ſhall be public; and that no Act, Order, or Proceeding of the ſaid Commiſſioners, or any of them, in or relating to any of the Matters or Things hereby meant to be ſubmitted to their Deciſion and Determination (except in ſuch Caſes as are hereby otherwiſe ordered and provided for) ſhall be valid, unleſs the ſame ſhall be done or made at a Meeting to be held in purſuance of this Act, and of the Directions herein contained; and that all and ſingular the Powers and Authorities hereby given to or veſted in the ſaid Commiſſioners, ſhall and may from Time to Time be exerciſed by the Majority of the Commiſſioners aſſembled at ſuch Meetings reſpectively, the whole Number preſent at ſuch Meetings reſpectively not being leſs than Five, and at every ſuch Meeting One of the Commiſſioners preſent ſhall be appointed Preſident or Chairman, who in caſe of an equal Diviſion of Voices ſhall have the Caſting or Double Vote.

General Meeting of Commiſſioners, how to be called.

XVII. And be it further enacted, That on a Requiſition being made by the ſaid Committee of Management, or by any Two Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments to be affected by the ſaid Canal, or any of the Works hereby authorized to be made or carried on, to the Clerk to the ſaid Company of Proprietors, to appoint a General Meeting of the ſaid Commiſſioners, the ſaid Clerk is hereby authorized and required, within Seven Days after ſuch Requiſition, to give public Notice, in Manner aforeſaid, of a General Meeting of the ſaid Commiſſioners, to be held at ſuch Time and Place as ſhall be ſpecified in ſuch Notice, ſuch Time not being leſs than Fourteen Days nor more than Twenty-eight Days from the Day on which ſuch Requiſition ſhall be made as aforeſaid; and the ſaid Commiſſioners are hereby authorized and required to aſſemble at the Time and Place ſo to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and veſted in them, into Execution, notwithſtanding any previous Adjournment of the ſaid Commiſſioners; and in caſe the Buſineſs to be tranſacted at any Meeting of the ſaid Commiſſioners to be held in purſuance of this Act, ſhall not be concluded and finiſhed on or within the Day mentioned in ſuch Notice, then the Commiſſioners preſent at ſuch Meeting ſhall and

may adjourn themſelves, and afterwards meet at ſuch Time and Place as they ſhall think proper and expedient; and if it ſhall happen that there ſhall not appear at any Meeting which ſhall be appointed to be held by the ſaid Commiſſioners, a ſufficient Number of Commiſſioners to act at ſuch Meeting, and to adjourn to any other Time, then and in ſuch Caſe, and from Time to Time as often as the ſame ſhall happen, the Clerk to the ſaid Commiſſioners for the Time being ſhall and may, by public Notice to be given in the Manner aforeſaid, appoint the ſaid Commiſſioners to meet at the Place where a Meeting of the ſaid Commiſſioners was laſt appointed to be held, on that Day Three Weeks next after the Day laſt appointed for ſuch Meeting: Provided alſo, that every Meeting of the ſaid Commiſſioners, for the hearing and determining of any Complaint, Controverſy, Diſpute, or Difference between the ſaid Company of Proprietors and any other Perſon or Perſons, ſhall be held at ſome Place within Ten Miles of the Place where or reſpecting which ſuch Complaint, Diſpute, or Difference ſhall ariſe; and that no Buſineſs ſhall commence at any Meeting of the ſaid Commiſſioners before Ten of the Clock in the Forenoon, nor after Four of the Clock in the Afternoon.

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

XVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, aſſembled at a Meeting to be held in the Manner hereinbefore directed, and they are hereby fully authorized and empowered, by Writing under their Hands (with the Conſent of the Parties concerned), to determine and adjuſt from Time to Time, what Sum or Sums of Money ought, in their Opinion, to be paid by the ſaid Company of Proprietors, by a Sum in Groſs, for the abſolute Purchaſe of any Lands, Tenements, Grounds, or Hereditaments which ſhall be ſet out and aſcertained, or be intended to be taken or uſed as aforeſaid, for making the ſaid Canal or the Towing Paths thereto, or any Part thereof reſpectively, or for other the Purpoſes herein mentioned, or which ſhall be taken by the ſaid Company of Proprietors purſuant to any of the Directions of this Act; and alſo to determine and adjuſt what other ſeparate and diſtinct Sum or Sums of Money ought, in the Opinion of them the ſaid Commiſſioners, to be paid by the ſaid Company of Proprietors, as a Recompence for any Damages which ſhall or may at any Time or Times be ſuſtained by any Bodies Politic, Corporate, or Collegiate, or other Perſon or Perſons reſpectively, being Owners of or intereſted in any Lands, Grounds, Tenements, Waters, or Hereditaments, for or by reaſon of the ſevering or dividing of the ſame, or by reaſon of the making, repairing, or maintaining of the ſaid Canal and Towing Paths, or any of the Aqueducts, Feeders, Drains, Back Drains, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, Sluices, or other Works hereby authorized to be made or carried on and maintained, or by reaſon or means of the flowing, leaking, or oozing of the Water over or through the Banks of the ſaid Canal, Aqueducts, Feeders, Drains, Trenches, Paſſages, Gutters, and Sluices, or any of them, or of the ſupplying the ſame or any of them with Water, or by not cleanſing the ſaid Watercourſes, Trenches, or Paſſages, or by turning or diverting any Streams or Brooks into the ſame or any of them, or by reaſon or means of the Execution of any of the Powers hereby given to the ſaid Company of Proprietors, their Agents, Workmen, or Servants, in caſe ſuch Sum in Groſs, or ſuch Damages and Recompence reſpectively, cannot be ſettled, adjuſted, and agreed on by and between the ſaid Company of Proprietors, and the Owners of or

Commiſſioners to determine what Money the Company ſhall pay for the Purchaſe of Lands, &c.

Perſons

Perſons intereſted in ſuch Lands, Grounds, Tenements, Waters, or Hereditaments, as aforeſaid.

In caſe the Parties refuſe to ſubmit to the Determination of the Commiſſioners, a Jury may be ſummoned, &c.

XIX. And be it further enacted, That if the ſaid Company of Proprietors, or their Committee of Management for the Time being, or if any ſuch Body Politic, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, for and on the Behalf of himſelf, herſelf, or themſelves, or for or on the Behalf of the reſpective *Ceſtuique* Truſts, or of the Perſon or Perſons entitled in Remainder after them as aforeſaid, ſhall refuſe to ſubmit to ſuch Compenſation or Recompence as ſhall be determined on by the ſaid Commiſſioners as aforeſaid, or ſhall be diſſatisfied with their Determination reſpecting the ſame, and of ſuch Diſſatisfaction ſhall, within Fourteen Days next after ſuch Determination, give Notice to the ſaid Commiſſioners making ſuch Determination; or if any ſuch Body Politic, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons entitled or intereſted as aforeſaid, ſhall refuſe to receive, on due Tender thereof, ſuch Purchaſe Money, or ſuch Recompence as ſhall be ſo adjuſted and determined to be paid as aforeſaid; or ſhall for the Space of Fourteen Days next after Notice in Writing ſhall be given to the principal Officer or Officers of ſuch Body Politic, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, or other Perſon or Perſons reſpectively, or be left at his, her, or their uſual or laſt Place or Places of Abode, or with the Tenant or Tenants, Occupier or Occupiers, of ſuch Lands, Grounds, Tenements, or Hereditaments reſpectively as aforeſaid, neglect or refuſe to treat, or ſhall not agree with the ſaid Company of Proprietors concerning the ſame, or ſhall by reaſon of Abſence be prevented from treating, or ſhall by reaſon of Nonage, or other Impediment not provided for by this Act be incapable of treating or making ſuch Agreements as ſhall be expedient for enabling the ſaid Company to proceed in the making and carrying on of the ſaid Canal and other the Works aforeſaid; or ſhall not conſent to leave the ſame to the Determination of the ſaid Commiſſioners, then and in either of the ſaid ſeveral Caſes the ſaid Commiſſioners aſſembled at a Meeting to be held in the Manner herein-before mentioned, are hereby empowered and required, from Time to Time, to iſſue a Warrant or Warrants under their Hands and Seals, to the Sheriff of the County of *Wilts*; or in caſe ſuch Sheriff or his Under Sheriff ſhall happen to be One of the ſaid Company of Proprietors, or enjoy any Office of Truſt or Profit under them, or ſhall be otherwiſe intereſted in the Matter in Queſtion, then to any one of the Coroners of the ſame County, not intereſted as aforeſaid; or if all the Coroners ſhall be ſo intereſted, then to the laſt Perſon then in being who filled the Office of Sheriff of the ſame County, and who ſhall not be intereſted as aforeſaid, commanding ſuch Sheriff or Coroner, or other Perſon, to impannel, ſummon, and return a Jury; and the ſaid Sheriff or Coroner, or other Perſon, is hereby accordingly authorized, empowered, and required to impannel, ſummon, and return a Jury of Eighteen ſufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for the Trial of Iſſues joined in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Commiſſioners or ſuch of them as ſhall be aſſembled at ſuch Time and Place as in ſuch Warrant or Warrants ſhall be appointed, not being leſs than Ten nor more than Twenty Days after ſuch Warrant or Warrants ſhall be ſerved upon the ſaid

ſaid Sheriff, Coroner or other Perſon as aforeſaid; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Sheriff or Coroner, or other Perſon, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, being ſo qualified as aforeſaid, to make up the ſaid Jury to the Number of Twelve, and all Parties concerned ſhall and may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners, or any Three or more of them, although not aſſembled at ſuch Meeting as aforeſaid, are hereby empowered alſo to ſummon and call before them, and before the ſaid Jury, all and every Perſon and Perſons who ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching the Matter in Queſtion; and the ſaid Commiſſioners ſhall and may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter in Controverſy; and ſuch Jury upon their Oaths (which Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners are hereby empowered to adminiſter) ſhall enquire of, aſſeſs and aſcertain the Sum or Sums of Money to be paid for the Purchaſe of ſuch Lands, Grounds, Tenements or Hereditaments as aforeſaid, and alſo what other ſeparate and diſtinct Sum or Sums of Money ſhall be paid by way of Recompence for the Damages which ſhall or may be ſo ſuſtained as aforeſaid; and the ſaid Commiſſioners ſo to be aſſembled, ſhall accordingly give Judgment for ſuch Purchaſe Money or Recompence as ſhall be aſſeſſed by ſuch Jury; which ſaid Verdict, and the Judgment to be thereupon pronounced as aforeſaid, ſhall be binding and concluſive, to all Intents and Purpoſes, againſt all Bodies Politic, Corporate or Collegiate, and all other Perſons whomſoever.

Witneſſes may be ſummoned.

XX. And be it further enacted, That if any ſuch Sheriff or his Deputy, or any ſuch Coroner or other Perſon herein-before authorized and directed to act in the Stead of ſuch Sheriff, ſhall make Default in the Premiſes, he ſhall for every ſuch Offence forfeit the Sum of Twenty Pounds, and if any Perſon ſo to be ſummoned and returned on any ſuch Jury as aforeſaid ſhall not appear, or appearing ſhall refuſe to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent of this Act; or if any Perſon ſo to be ſummoned to give Evidence as aforeſaid ſhall not appear, or appearing ſhall refuſe to be ſworn or examined, or to give Evidence, then and in ſuch Caſe every Perſon ſo offending, having no reaſonable Excuſe to be allowed by the ſaid Commiſſioners, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds, for the Benefit of the Party in whoſe Behalf ſuch Perſon was ſo ſummoned, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the ſaid Commiſſioners, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending, rendering to him or them, on Demand, the Overplus of the Money thereby produced, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale ſhall be deducted.

Penalty of 20*l.* on Sheriffs, &c. and 5*l.* on Jurymen and Witneſſes, making Default without ſufficient Excuſe.

XXI. And be it further enacted, That every ſuch Jury and Juryman as aforeſaid ſhall be liable and ſubject to the ſame Regulations, Pains and Penalties, as if ſuch Jury or Juryman had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts of Record at *Weſtminſter*; and

Jury to be under the ſame Regulations as Juries at Weſtminſter.

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

Expences of Commiſſioners and Jury, by whom to be borne.

XXII. And be it further enacted, That where the Determination of the Commiſſioners to be made as aforeſaid ſhall be acquieſced in by both Parties concerned, then and in ſuch Caſe, if the Determination ſhall be made for more Money to be paid as a Recompence or Satisfaction for any Lands, Grounds or Hereditaments, or for any Damage which may be done to any Lands, Grounds or Hereditaments whatſoever, than ſhall have been previouſly offered or tendered by or on the Behalf of the ſaid Company of Proprietors, or if no ſuch Recompence or Satisfaction ſhall have been offered or tendered by them, or on their Behalf, to the Perſon or Perſons competent to accept and take the ſame, all the Expences of the Calling and Meeting of ſuch Commiſſioners ſhall be defrayed by the ſaid Company of Proprietors; but if the Determination ſhall not be made for more Money than ſhall have been previouſly offered or tendered by the ſaid Company of Proprietors as aforeſaid, the Expences of the Calling and Meeting of ſuch Commiſſioners, or ſo much thereof as the ſaid Commiſſioners ſhall judge reaſonable or proper, ſhall be defrayed by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have had ſuch Controverſy or Diſpute; and where either of the Parties concerned ſhall refuſe to ſubmit any ſuch Matter as aforeſaid to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with their Determination therein, and give ſuch Notice of ſuch Diſſatisfaction as aforeſaid, then and in every ſuch Caſe, if the Verdict of the Jury ſhall be given for more Money to be paid as a Recompence or Satisfaction as aforeſaid, than ſhall have been previouſly offered or tendered by or on the Behalf of the ſaid Company of Proprietors, or determined by the ſaid Commiſſioners, as the Caſe ſhall be, or if no ſuch Recompence or Satisfaction ſhall have been tendered by them or on their Behalf to the Perſon or Perſons competent to accept and take the ſame, or where by reaſon of Abſence ſuch Perſon or Perſons ſhall be prevented from treating, all the Expences of the Calling and Meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking the Inqueſt, ſhall be defrayed by the ſaid Company of Proprietors; but if the Verdict of the Jury ſhall not be given for more Money than ſhall have been previouſly offered or tendered by the ſaid Company of Proprietors as aforeſaid, or determined by the ſaid Commiſſioners, as the Caſe ſhall be, the Expences of the Calling and Meeting of the ſaid Commiſſioners, ſummoning ſuch Jury, and taking the Inqueſt, ſhall be defrayed by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have had ſuch Controverſy or Diſpute; and all ſuch Expences as aforeſaid ſhall be ſettled by the ſaid Commiſſioners preſent at ſuch Meetings reſpectively; and in all Caſes where the Whole of ſuch Expences ſhall not be directed by the ſaid Commiſſioners to be paid by ſuch Perſon or Perſons as aforeſaid, the Remainder ſhall be paid by the ſaid Company of Proprietors, and the Expences which are herein-before directed to be paid by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have had any Controverſy or Diſpute, ſhall and may be deducted out of the Money to be determined

determined or adjudged to be paid to ſuch Perſon or Perſons as aforeſaid, as ſo much Money advanced to and for his, her, or their Uſe, and the Payment or Tender of the Remainder of the Money ſo to be determined or adjudged, ſhall be deemed and taken, to all Intents and Purpoſes whatſoever, to be a good Payment or Tender in Satisfaction of the Whole thereof.

Perſons requeſting Juries to enter into a Bond to proſecute.

XXIII. And be it further enacted, That all and every Perſon and Perſons with whom the ſaid Company of Proprietors ſhall have any ſuch Controverſy or Diſpute as aforeſaid, and who ſhall refuſe to ſubmit any ſuch Matter as aforeſaid to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with their Determination thereof, ſhall, before the ſaid Commiſſioners ſhall be obliged to iſſue out their Warrant or Warrants for the ſummoning ſuch Jury as aforeſaid, enter into a Bond to the Treaſurer or Treaſurers to the ſaid Company of Proprietors for the Time being, in the Penalty of One hundred Pounds, to proſecute ſuch his, her, or their Complaint, and to bear and pay the Expences of the Calling and Meeting of ſuch Commiſſioners, and of ſummoning ſuch Jury, and taking ſuch Inqueſt, in caſe ſuch Coſts and Expences ſhall fall upon him, her, or them, to be paid according to the true Intent and Meaning of the Clauſe next herein-before contained.

Verdict of Value of Lands, and Damages, to be aſcertained ſeparately.

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

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

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

What Satisfaction to be made for Tithes.

XXVI. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors, for all the Tithes both Great and Small, of the Lands which ſhall or may be taken or made uſe by the ſaid Company of Proprietors for the Purpoſes and in purſuance of the Powers of this Act, to the Perſon or Perſons entitled, or who would have been entitled to ſuch Tithes, in caſe ſuch Lands had not been ſo taken or made uſe of, according to their reſpective Intereſts therein; ſuch Tithes to be eſtimated at the Average Value of Four Years, commencing

mencing at *Michaelmas* One thouſand eight hundred and eight, and ſuch Average Value to be aſcertained (in caſe of any Difference concerning the ſame), in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be aſcertained.

Proceedings of the Commiſſioners to be entered in a Book.

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

For appointing a Clerk.

On Payment of Purchaſe Money Company may enter Lands and proceed with the Works.

XXVIII. And be it further enacted, That on Payment of ſuch Sum or Sums of Money in Groſs, as ſhall be contracted and agreed for between the Parties, or determined and adjuſted by the ſaid Commiſſioners, or aſſeſſed by a Jury as aforeſaid, for the Purchaſe of any ſuch Lands, Grounds, Tenements or Hereditaments as aforeſaid, to the Owner or Owners thereof, or other Perſon or Perſons entitled to receive ſuch Money; or on legal Tender of ſuch Money, to ſuch Owner or Owners, or other Perſon or Perſons, or to the principal Officer or Officers of any ſuch Body Politic, Corporate, or Collegiate, at any Time after ſuch Money ſhall have been ſo agreed for, determined or aſſeſſed; or if ſuch Owners or other Perſons cannot be found or aſcertained, or ſhall refuſe to accept ſuch Money; or in caſe it doth not appear to whom the ſame ought to be paid, then on Payment thereof into the Bank of *England*, in the Manner directed by this Act, as the Caſe may be, then and in ſuch Caſe, but not before, it ſhall be lawful for the ſaid Company of Proprietors, and their Agents, Servants, and Workmen, immediately to enter into and upon ſuch Lands, Grounds, Tenements or Hereditaments reſpectively, and to dig, cut, trench, ſough, and remove Earth, Stones, Rubbiſh, Trees, Roots of Trees, and other Obſtructions, and do all

other Matters and Things neceſſary and proper for the making, uſing, maintaining and repairing of the ſaid Canal and the Towing Paths on the Sides thereof, and other the Works and Conveniences aforeſaid, in or upon ſuch Lands, Grounds, Tenements, or Hereditaments reſpectively, and thereupon to make, erect, carry on, complete, repair and maintain, the ſaid Canal, Towing Paths and other Works and Conveniences reſpectively, as they the ſaid Company of Proprietors ſhall think fit; and to have, uſe, and enjoy ſuch Lands, Grounds, Tenements or Hereditaments reſpectively, to and for their own Uſe and Benefit, for the Purpoſes of the ſaid Canal and other Works.

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

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

The Company may pay Monies to the Mortgagees of the Lands purchaſed if required.

XXX. Provided always, and be it further enacted, That in caſe any Lands, Tenements, or Hereditaments, to be taken and uſed by the ſaid Company of Proprietors for the Purpoſes or purſuant to the Directions of this Act, ſhall happen to be in Mortgage to any Perſon or Perſons, then it ſhall be lawful for the ſaid Company of Proprietors, on Application being made to them by the Mortgagee or Mortgagees thereof, his, her, or their Executors or Adminiſtrators, for that Purpoſe, to pay ſuch

Sum or Sums of Money as shall have been so agreed on, adjusted, or assessed as aforesaid, for the Purchase of or for the Damage done to such Lands, Tenements, or Hereditaments in Mortgage, or the Residue of such Sum or Sums, after such Allowance or Payment thereout to any Lessee or Tenant as aforesaid, unto such Mortgagee or Mortgagees, his, her, or their Executors or Administrators, in Part Discharge and Satisfaction of the Principal Money due on such Mortgage: Provided always, that on Receipt of such Sum or Sums, such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, shall acknowledge the Receipt thereof by an Indorsement to be made on the Back of such Mortgage or Mortgages, and to be signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witness or Witnesses, in Satisfaction of so much of the Principal Money and Interest due on such Mortgage or Mortgages.

Application of Compensation, when exceeding 200*l.*

XXXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, or for any other Matter, Right or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the Company of Proprietors of the *North Wilts* Canal, together with the Name or Names of such Person or Persons as any Three of the Committee of Management of the said Company shall by Writing signed by them, direct and appoint; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments which shall be conveyed and settled to, for and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing, undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the said Bank Annuities shall be ordered by the said Court

to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid, by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the ſaid Lands, Tenements, and Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

When leſs than 200l. and exceeding 10l.

XXXII. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed, or of his, her or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy, to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed, or otherwiſe the ſame ſhall be paid, at the like Option, to Two Truſtees to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the ſaid Committee of Management (ſuch Nomination and Approbation to be ſignified by Writing under the Hands of the nominating and approving Parties) in order that ſuch Principal Money and the Dividends ariſing thereon may be applied in Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

When leſs than 20l.

XXXIII. Provided alſo, and be it further enacted, That where ſuch Money ſo agreed or awarded to be paid as next before mentioned ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, as the ſaid Committee of Management, or any Three or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, and to and for the Uſe and Benefit of ſuch Perſon or Perſons ſo entitled reſpectively.

In caſe of not making out Titles;

or if Perſons cannot be found, Purchaſe Money to be paid into the Bank;

XXXIV. And be it further enacted, That in caſe the Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, ſhall not be able to make a good Title to the Premiſes, to the Satisfaction of the ſaid Committee of Management, or any Three of them, or ſhall refuſe to execute ſuch Conveyance or Conveyances; or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo ordered to be paid as aforeſaid, cannot be found; or if the Perſon or Perſons entitled to ſuch Lands, Tenements, or Hereditaments be not known or diſcovered; then and in every ſuch Caſe it ſhall be lawful for the ſaid Committee, or any Three or more of them, to order the ſaid Sum

Sum or Sums ſo awarded, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tenements, or Hereditaments (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid Court; which ſaid Court, on the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof, by Motion or Petition, ſhall be and is hereby empowered in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, or to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtate or Eſtates, Title or Intereſt, of the Perſon or Perſons making Claim thereunto, and to make ſuch other Order in the Premiſes as to the ſaid Court ſhall appear reaſonable; and the Caſhier or Caſhiers of the Bank, who may or ſhall receive ſuch Sum and Sums of Money, is and are required to give a Receipt or Receipts for ſuch Sum or Sums, mentioning for what and for whoſe Uſe the ſame was received, to ſuch Perſon or Perſons as ſhall pay ſuch Sum or Sums of Money into the Bank as aforeſaid.

Subject to the Order of the Court of Chancery.

Caſhier of the Bank to give a Receipt for ſuch Money.

Reſpecting diſputed Titles.

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

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

XXXVI. Provided alſo, and be it further enacted, That where by reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchaſed under the Authority of this Act, the Purchaſe Money of the ſame ſhall be required to be paid into the ſaid Court, and to be applied in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the like Uſes, in purſuance thereof reſpectively, it ſhall be lawful for the ſaid Court to order the Expences of all Purchaſes from Time to Time to be made in purſuance of this Act, or ſo much of ſuch Expences as the Court ſhall deem reaſonable, together with the neceſſary Coſts and Charges of obtaining ſuch Order, to be paid by the ſaid Company of Proprietors,

Proprietors, who ſhall from Time to Time pay ſuch Sums of Money for ſuch Purpoſes as the ſaid Court ſhall direct.

Mortgagees to convey.

XXXVII. And be it further enacted, That all and every Perſon and Perſons who ſhall have any Mortgage or Mortgages on ſuch Lands, Tenements, and Hereditaments, not being in Poſſeſſion thereof by virtue of ſuch Mortgage or Mortgages, ſhall, on the Tender of the Principal Money and Intereſt due thereon, together with the Amount of Three Calendar Months Intereſt on the ſaid Principal Money, by the ſaid Company of Proprietors, or by ſuch Perſon or Perſons as they ſhall appoint, immediately convey, aſſign, and transfer ſuch Mortgage or Mortgages to the ſaid Company, or to ſuch Perſon or Perſons as they ſhall appoint; or in caſe ſuch Mortgagee or Mortgagees ſhall have Notice in Writing from the ſaid Company of Proprietors, or from ſuch Perſon or Perſons as they ſhall appoint, that they will pay off and diſcharge the Principal Money and Intereſt which ſhall be due on the ſaid Mortgage or Mortgages, at the End or Expiration of Three Calendar Months (to be computed from the Day of giving ſuch Notice), that then at the End of the ſaid Three Calendar Months, on Payment of the Principal and Intereſt ſo due, ſuch Mortgagee or Mortgagees ſhall convey, aſſign, and transfer his, her, or their Intereſt in the Premiſes to the ſaid Company of Proprietors, or to ſuch Perſon or Perſons as ſhall be appointed in Truſt for them; and in caſe ſuch Mortgagee or Mortgagees ſhall refuſe to convey and aſſign as aforeſaid, on ſuch Tender or Payment, that then all Intereſt on every ſuch Mortgage ſhall from thenceforth ceaſe and determine: Provided always, that in caſe the Sum due upon any ſuch Mortgage or Mortgages, with all Intereſt due thereon, ſhall amount to more than the real Value of the Premiſes, to be aſcertained as directed by this Act, then the ſaid Company of Proprietors ſhall not be liable to pay the Mortgagee or Mortgagees more than the real Value of ſuch Premiſes ſo aſcertained as aforeſaid: Provided alſo, that in caſe any ſuch Mortgagee ſhall neglect or refuſe to convey or aſſign as aforeſaid, then upon Payment of the Principal Money and Intereſt due on any Mortgage as aforeſaid, into the Bank of *England*, at the End of Three Calendar Months from the Day of giving ſuch Notice as aforeſaid, for the Uſe of the Mortgagee or Mortgagees, the Caſhier or Caſhiers of the Bank ſhall give a Receipt or Receipts for the ſaid Money, in like Manner as is herein-before directed in Caſes of other Payments into the Bank; and thereupon all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim and Demand of the ſaid Mortgagee or Mortgagees, and of all and every Perſon and Perſons in Truſt for him, her, or them, ſhall veſt in the ſaid Company, and they ſhall be deemed to be in the actual Poſſeſſion of the Premiſes comprized in ſuch Mortgage or Mortgages, to all Intents and Purpoſes whatſoever: Provided alſo, that if ſuch Mortgage or Mortgages ſhall comprize any other Lands, Tenements, or Hereditaments than thoſe which ſhall be ſo purchaſed or taken by the ſaid Company of Proprietors, ſuch Mortgagee or Mortgagees ſhall, upon Payment or Tender of the Sum ſo aſcertained, as the Value of the ſaid Lands, Tenements, or Hereditaments as aforeſaid, forthwith convey, aſſign, and transfer his, her, or their Intereſt in ſuch Lands, Tenements, or Hereditaments to the ſaid Company of Proprietors, or to ſuch Perſon or Perſons as ſhall be appointed in Truſt for them; and in Default of their doing ſo, and on Payment

of ſuch Money into the Bank of *England* for the Uſe of the Mortgagee or Mortgagees, the Caſhier or Caſhiers of the Bank ſhall give ſuch Receipt or Receipts as above mentioned, and thereupon all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand of the ſaid Mortgagee or Mortgagees, and of all and every Perſon and Perſons in Truſt for them, in the ſaid Lands, Tenements, or Hereditaments, the Value whereof ſhall have been ſo aſcertained and paid into the Bank as aforeſaid, ſhall veſt in the ſaid Company, and they ſhall be deemed to be in the actual Poſſeſſion of the ſaid Premiſes, to all Intents and Purpoſes whatſoever; and ſuch Sums of Money ſhall be deducted from the Amount of the Principal and Intereſt due to ſuch Mortgagee or Mortgagees by virtue of ſuch Mortgage or Mortgages.

Company empowered to reſell Lands not wanted.

XXXVIII. And whereas in purſuance of the Proviſions of this Act, or to avoid Diſputes with the Owners of Lands, Grounds, and Hereditaments which are or may be affected by making the ſaid Canal and Works, the ſaid Company of Proprietors may purchaſe Lands, Tenements, or Hereditaments not neceſſary to be made uſe of for the Purpoſes of this Act; be it therefore further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, by Indenture under their Common Seal, to grant and convey by way of abſolute Sale, for a Conſideration in Money, ſuch Part or Parts of the Lands, Tenements, or Hereditaments which ſhall be ſo purchaſed by and conveyed to them as aforeſaid, as ſhall not be wanted for the Purpoſes of this Act; and Conveyances from the ſaid Company of Proprietors, ſhall be valid and effectual, any Thing in this Act contained, or any other Law, Statute, or Cuſtom to the contrary thereof in anywiſe notwithſtanding; and upon Payment of the Money which ſhall ariſe by Sale or Sales of ſuch Lands, Tenements, or Hereditaments, it ſhall and may be lawful for the Treaſurer or Treaſurers for the Time being to the ſaid Company of Proprietors, to ſign and give Receipts for the Money for which the ſame ſhall be ſold, which Receipts ſhall be ſufficient Diſcharges to any Perſon or Perſons for the Purchaſe Money for which ſuch Lands, Rents, or Premiſes ſhall be ſo ſold, or for ſo much thereof as in ſuch Receipts ſhall be acknowledged or expreſſed to be received, and ſuch Perſon or Perſons ſhall not afterwards be anſwerable or accountable for any Loſs, Miſapplication, or Nonapplication of ſuch Purchaſe Money, or any Part thereof: Provided always, that the ſaid Company of Proprietors, before they ſhall ſell and diſpoſe of ſuch Lands, Tenements, or Hereditaments, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom they ſhall have purchaſed ſuch Lands, Tenements, or Hereditaments, or who would then have been entitled thereto, in caſe ſuch Lands, Tenements, or Hereditaments had not been purchaſed by the ſaid Company of Proprietors, the Price at which the ſame ſhall be reſold being adjuſted and ſettled by a Jury, in like Manner as the Price for any Land to be taken in purſuance of this Act is herein-before directed to be ſettled in caſe of Difference or Diſpute as to the Value thereof; and in caſe ſuch Perſon or Perſons ſhall refuſe to re-purchaſe the ſame, any Affidavit to be made and ſworn before a Maſter or Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County of *Wilts*, by ſome Perſon or Perſons no way intereſted in the ſaid Lands, Tenements, or Hereditaments, ſtating that ſuch Offer was made by or on Behalf of the ſaid

Company

Company of Proprietors, and that the Purchaſe was refuſed by the Perſon or Perſons to whom the ſame was ſo offered, ſhall in all Courts whatſoever be ſufficient Evidence and Proof of the Fact.

As to Conveyance of Land taken from Commons, and Payment of the Purchaſe Money.

XXXIX. And be it further enacted, That in Caſes where in making the ſaid Canal and other Works there ſhall be Occaſion to cut through, take or uſe, any Part of any Common Mead, or other Common or Waſte Ground, for the Purpoſe of the ſaid Canal and other Works, or of any Road or Roads thereto, the Conveyance of ſuch Parts of ſuch Common Mead, Common or Waſte Ground, by the Lord or Lady, Lords or Ladies, of the Manor to which ſuch Common Mead or Common or Waſte Ground is appurtenant, to the ſaid Company, ſhall be a good and ſufficient Conveyance for the Purpoſe of veſting in them the Fee Simple and Inheritance thereof, as fully and effectually as if every Perſon having Right of Common upon ſuch Common Mead or Common or Waſte Ground had joined in and executed ſuch Conveyance; and that the Compenſation to be paid for any Right of Common upon any ſuch Commons or Waſte Ground as aforeſaid, ſhall be paid by the ſaid Company of Proprietors hereby incorporated, to the Churchwardens of the reſpective Pariſhes wherein ſuch Commons or Waſte Grounds ſhall lie, and ſhall be by ſuch Churchwardens received and applied for ſuch general or public Purpoſes, within ſuch Pariſhes reſpectively, as a Veſtry of every ſuch Pariſh, to be convened by ſuch Churchwardens for that Purpoſe, ſhall direct.

In caſe Company neglect to fence off Towing Paths, &c. Owners of Lands adjoining may do ſo.

XL. And be it further enacted, That in caſe the ſaid Company of Proprietors or their Agents ſhall refuſe or neglect, if required, to make, erect and ſet up all reaſonable and ſufficient Poſts, Rails, Hedges, Ditches or other Fences, for the Purpoſe of ſeparating the Towing Paths on the Sides of the ſaid Canal, and the ſeveral Trenches, Feeders and Aqueducts to be made by virtue of this Act, from the Lands or Grounds adjoining to ſuch Towing Paths, Trenches, Feeders and Aqueducts reſpectively; or to make, erect and ſet up Gates and Stiles upon and acroſs the ſaid Towing Paths, and in and through the Hedges and Fences to be made on the Sides thereof, and of the ſaid Trenches, Feeders and Aqueducts as aforeſaid; or ſuch and ſo many convenient Bridges, Arches, Culverts, Paſſages and Roads, over, under, or by the Side of the ſaid Canal, and the Feeders, Trenches and Watercourſes communicating therewith, for the Uſe and Convenience of the Owners and Occupiers of the Lands, Grounds or Hereditaments adjoining thereto reſpectively, and of all Perſons who now have or may hereafter have a Right of Way over or through the Lands or Grounds which ſhall be uſed for making the ſaid Canal, Trenches, Feeders, Watercourſes and Towing Paths, or any of them reſpectively, at ſuch Places, and of ſuch Dimenſions, and in ſuch Manner, as the ſaid Commiſſioners ſhall from Time to Time direct and appoint, in caſe there ſhall be any Diſpute about the ſame, or to repair, maintain and ſupport ſuch Poſts, Rails, Hedges, Ditches and Fences, Gates, Stiles, Bridges, Arches, Culverts, Paſſages and Roads, or any of them, after the ſame ſhall be made, erected and ſet up, for the Space of Six Calendar Months next after the Times to be appointed for thoſe Purpoſes reſpectively by the ſaid Commiſſioners; then and in every ſuch Caſe it ſhall be lawful for every or any of the Owners or Occupiers of the adjacent Lands or Grounds, and every other Perſon and Perſons who ſhall find himſelf, herſelf or themſelves aggrieved by any ſuch Refuſal or

Neglect, to make, erect and set up such Posts, Rails, Hedges, Ditches and Fences, Gates, Stiles, Bridges, Arches, Culverts, Passages and Roads, or to repair, maintain and support such Posts, Rails, Hedges, Ditches and Fences, Gates, Stiles, Bridges, Arches, Culverts, Passages, Roads, or any of them, from Time to Time as Occasion shall require, so that in making, maintaining or repairing the same respectively, the said Canal or the Banks thereof, or any Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner, than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Commissioners) shall be repaid to the Person or Persons who shall have expended, incurred or sustained the same, by the said Company of Proprietors, within the Space of Forty Days next after the same shall have been so settled and allowed, and an Account and Demand thereof shall have been delivered and made to and from the Principal Clerk to the said Company for the Time being; and in Default of Payment of the said Costs and Charges within the Time aforesaid, it shall be lawful for the Person or Persons who shall have expended, incurred, or sustained such Costs and Charges, and he, she, or they are hereby authorized and empowered to sue for and recover the same against the said Company of Proprietors, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

The Company to make proper Watering Places for Cattle.

XLI. And be it further enacted, That the said Company of Proprietors shall also, at their own Costs and Charges, make, maintain and support such proper and convenient Watering Places for Cattle, wherever by means of the said Canal, or other Works hereby authorized to be made, Cattle shall have been deprived of their ancient or former Watering Places, and shall at all Times supply the same with Water in such Manner as the said Commissioners shall from Time to Time, in case of any Dispute about the same, order and direct; and in case the said Company of Proprietors shall refuse or neglect to make or maintain or support any such Watering Places as aforesaid, for the Space of Three Calendar Months next after the Time to be appointed for that Purpose by the said Commissioners, then and in every such Case it shall be lawful for the Person or Persons who shall be damaged or aggrieved by such Refusal or Neglect, to make or maintain or support such Watering Places, so that the said Canal or the Bank thereof, or any Feeders or Aqueducts belonging thereto, shall not be thereby stopped or injured for any longer Space of Time, or in any other Manner, than shall be absolutely necessary for the making or doing of the same; and all the reasonable Costs and Charges attending the same (to be settled and allowed by the said Commissioners) shall be repaid to the Person or Persons who shall have expended, incurred or sustained such Costs and Charges, by the said Company of Proprietors, within the Space of Forty Days next after the same shall have been so settled and allowed, and an Account and Demand thereof shall have been delivered and made to and from the Principal Clerk to the said Company of Proprietors; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the same shall and may be levied and recovered in such and the same Manner as the Costs and Charges of making and erecting Bridges and other Works by the Owners or Occupiers of Lands, upon the Refusal or Neglect of the said Company of Proprietors to make and erect the same, are herein-before appointed and directed to be levied and recovered.

If Company refuse or neglect so to do, the Land Owners may make same at the Company's Expence.

XLII. And

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

Owners and Occupiers of Lands may erect Bridges, &c. at their own Expence, if not satisfied with those erected by the Company.

XLIII. And be it further enacted, That the said Company of Proprietors shall also, at their own proper Costs and Charges, make or cause to be made, such Back Drain or Drains as may be necessary, and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal, to the Prejudice of any of the Lands or Grounds contiguous thereto; and that all such Back Drains and other Passages shall from Time to Time be supported, maintained, cleansed, scoured and kept in good and sufficient Repair, by the said Company of Proprietors; and if at any Time or Times after One Calendar Month's Notice shall have been given in Writing, by or on the Behalf of the Owner or Occupier, Owners or Occupiers, of the adjacent Lands or Grounds, who shall find himself, herself, or themselves aggrieved by the Obstruction of any such Watercourses, to the Principal Clerk to the said Company of Proprietors for the Time being, the said Back Drains or other Passages shall not be made, cleansed, repaired and maintained, according to the true Intent and Meaning of this Act, then and in such Case, and when and so often as the same shall happen, it shall be lawful for such Owner or Occupier, or Owners or Occupiers, having an Order in Writing for that Purpose from the said Commissioners, from Time to Time to make, cleanse, scour, and repair such Back Drains and other Passages in such Manner as shall be found expedient, and the reasonable Costs and Charges thereof (to be ascertained by the said Commissioners) shall be defrayed by the said Company of Proprietors; and in case of Refusal or Neglect to defray the same for the Space of Twenty

The Company to make and maintain Drains, &c.

And if Company neglect, Land Owners may do the same at the Expence of the Company.

Days after Demand thereof made on their Principal Clerk for the Time being, ſuch Coſts and Charges ſhall and may be levied and recovered in ſuch and the ſame Manner as the Coſts and Charges of making and erecting Bridges and other Works, by the Owners and Occupiers of Lands, upon the Refuſal or Neglect of the ſaid Company of Proprietors to make and erect the ſame, are herein-before appointed and directed to be levied and recovered: Provided always, that ſuch Owner or Occupier, Owners or Occupiers, of the Lands adjoining or contiguous to the ſaid Canal, ſhall, at the Time of giving ſuch Notice to the Principal Clerk to the ſaid Company of Proprietors as aforeſaid, have his, her, or their own Ditches, Drains, and Watercourſes leading to or from the ſaid Canal, or to or from the Trenches, Drains, and Watercourſes belonging to the ſaid Company of Proprietors, ſufficiently cleanſed and open to convey Water to and from the ſame; and provided alſo, that nothing herein contained ſhall extend to enforce the admitting of any Water ariſing from ſudden Floods or Land Floods into the ſaid Canal, which may injure the ſaid Navigation.

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

XLIV. And be it further enacted, That if at any Time hereafter the Ditches, Drains, or Watercourſes belonging to the Owner or Occupier of any Lands adjoining or contiguous to the ſaid Canal ſhall not be ſufficiently opened for the free Paſſage of the Water from the Drains, Tunnels, Culverts and Watercourſes belonging to the ſaid Company of Proprietors, and the ſame ſhall not be remedied within One Calendar Month after Notice for that Purpoſe ſhall be given to ſuch Owner or Occupier, or left at his or her uſual Place of Abode by the Principal Clerk to the ſaid Company of Proprietors, it ſhall be lawful for the ſaid Company of Proprietors, having an Order in Writing for that Purpoſe from the ſaid Commiſſioners, or any Three of them, from Time to Time as often as there ſhall be Occaſion, to order, cauſe, and procure ſuch Ditches, Drains, and Watercourſes as aforeſaid to be opened and cleanſed in ſuch Manner as may be neceſſary or expedient, and the reaſonable Expences thereof, to be aſcertained and allowed by the ſaid Commiſſioners, ſhall be repaid to the ſaid Company of Proprietors by ſuch Owner or Occupier as aforeſaid; and in caſe of Refuſal to pay the ſame for the Space of Twenty Days after Demand thereof, the ſame ſhall and may be recovered in ſuch Manner as any Penalties are by this Act directed to be recovered.

For repairing Damages occaſioned by Floods, and preventing ſuch Damages.

XLV. And whereas it may happen, from Floods or from ſome unexpected Accidents, that the ſaid Canal, or the Locks, Weirs, Flood Gates, Dams, Banks, Trenches, Aqueducts, or other Works belonging to the ſaid Company of Proprietors, may be damaged or deſtroyed, and the adjacent Lands may thereby likewiſe be endangered or damaged, and that it may be neceſſary the ſame ſhould be immediately repaired or rebuilt, to prevent further damage; be it therefore further enacted, That when and ſo often as any ſuch Floods or Accidents ſhall happen, it ſhall be lawful for the ſaid Company of Proprietors, or their or any of their Servants, Agents, or Workmen, from Time to Time, without any previous Application to the ſaid Commiſſioners, and without any Delay or Interruption from any Perſon or Perſons whomſoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the ſaid Canal, Trenches, Aqueducts, or other Works or any of them, and to dig for, get, work, take, carry away, and uſe all ſuch Stones, Gravel, and other Materials as may be neceſſary

neceſſary or proper for the Purpoſes aforeſaid, without any previous Treaty whatſoever with the Owner or Owners, Occupier or Occupiers of, or other Perſon or Perſons intereſted in ſuch Lands, Grounds, or Hereditaments, or any of them, doing thereby as little Damage as the Nature of the Works will admit, and making Recompence to the Perſon or Perſons ſuſtaining ſuch Damage, within the Space of Six Calendar Months next after the ſame ſhall be demanded, for all reaſonable Damages which ſhall or may be done by means of the digging for, getting, working, taking, carrying away and uſing ſuch Stones, Gravel, and Materials, or any of them, all which Damages, and the Satisfaction and Recompence to be made for the ſame, ſhall be adjuſted, aſſeſſed, aſcertained, ſettled, and determined, by the Ways and Means and in the Manner herein-before preſcribed with reſpect to any other Damages to be done in the courſe of making and completing the ſaid Canal and other Works.

The Company empowered to raiſe 60,000l. amongſt themſelves.

XLVI. And, to the end that the ſaid Company of Proprietors may be enabled to carry on the ſaid Undertaking; be it further enacted, That it ſhall and may be lawful for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves, in ſuch Proportions as to them ſhall ſeem meet and convenient, or by Admiſſion of Subſcribers, ſuch Sum or Sums of Money as they ſhall think neceſſary for the making, carrying on, and completing of the ſaid Canal, Baſons, Aqueducts, Quays, Wharfs, and other Works and Conveniencies hereby authorized to be made not exceeding in the whole the Sum of Sixty thouſand Pounds (except as herein-after is mentioned); and every ſuch Subſcriber (if any) ſhall become a Proprietor in the ſaid Navigation and Undertaking, and ſhall be entitled to exerciſe and enjoy the ſame Powers, Privileges, and Advantages, and ſhall alſo be liable to the ſame Reſtrictions, Penalties, and Forfeitures, as if he had become a Subſcriber before the paſſing of this Act; and his Name had been inſerted herein; and that the Money raiſed ſhall be divided into ſuch Number of Parts or Shares as herein-after directed, and that the Money ſo to be raiſed as aforeſaid, or a ſufficient Part thereof, ſhall be laid out and applied in the firſt Place in Payment, Satisfaction, and Diſcharge of the Coſts, Charges, and Expences attending the obtaining and paſſing of this Act, and the making the proper Surveys, Plans, and Eſtimates, and the doing and providing all other Matters and Things preparatory and previous thereto; and that all the Reſidue of ſuch Money ſhall be applied and diſpoſed of for or towards the making, carrying on, completing, and maintaining, of the ſaid Canal and other Works reſpectively, and for other the Purpoſes of this Act.

Application thereof.

The Money raiſed to be divided into 2,400 Shares, which ſhall be numbered in Progreſſion.

XLVII. And be it further enacted, That the ſaid Sum of Sixty thouſand Pounds, or ſuch Part thereof as ſhall be ſo raiſed and contributed as aforeſaid, ſhall be divided into Two thouſand four hundred Shares of Twenty-five Pounds each, and that ſuch Shares ſhall be numbered in regular numerical Progreſſion, and every Share ſhall for ever afterwards be diſtinguiſhed by the Number to be appointed for the ſame; and that all ſuch Shares ſhall be deemed Perſonal Eſtate, and be tranſmiſſible as ſuch, and not of the Nature of Real Eſtate; and that the ſaid Two thouſand four hundred Shares ſhall be and they are hereby veſted in the ſeveral Bodies Politic and Corporate, and other Perſons ſubſcribing for and undertaking to raiſe and contribute the ſame, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, to and for their own reſpective

Uſe

Uſe and Benefit, according and proportionably to the Number of Shares which they ſhall reſpectively ſubſcribe for, and undertake to raiſe and contribute; and that all Bodies Politic and Corporate, and other Perſons, and their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſubſcribe for any Share or Shares in the ſaid Undertaking, and pay ſuch Sum or Sums of Money as ſhall be demanded on account thereof (not exceeding in the whole a proportionable Part of the ſaid Sum of Sixty thouſand Pounds) towards the carrying on and completing of the ſaid Canal and ſuch other Works as aforeſaid, ſhall be entitled to and receive, after the ſaid Navigation ſhall be completed, a due and juſt Proportion, according to their reſpective Number of Shares, of the clear Profits and Advantages which ſhall or may ariſe and accrue by or from the Rates, Tolls, or Duties and other Monies to be raiſed, recovered, or received by virtue of this Act, and ſhall alſo from Time to Time bear and pay a like due and juſt Proportion of the Money wanted for carrying on the ſaid Undertaking, in the Manner herein-after directed.

Canal, &c. not to be proceeded in till 44,000*l.* ſubſcribed for.

XLVIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to authorize or empower the ſaid Company of Proprietors to take any Lands, Grounds or Premiſes for the Purpoſes of this Act, or to commence the ſaid Canal or other Works herein authorized to be made, until a ſufficient Number of Subſcribers ſhall have been obtained, who will undertake to raiſe the Sum of Forty-four thouſand Pounds, being more than Five Sixth Parts of the Eſtimate for the Completion thereof, in Shares of Twenty-five Pounds each Share; ſuch Subſcription to be proved to the Satisfaction of the Juſtices aſſembled at ſome Court of General or Quarter Seſſions of the Peace to be holden in and for the County of *Wilts*; and a Liſt of ſuch Subſcribers, with their Reſidences and the Amount of the Sums reſpectively ſubſcribed for by them, ſhall be depoſited with the Clerk of the Peace for the ſaid County of *Wilts*, One Calendar Month at leaſt previous to ſuch Court of General or Quarter Seſſions; and all Perſons ſhall have Liberty to inſpect ſuch Liſt, paying One Shilling for each Inſpection; and alſo to take Copies thereof, paying for every ſuch Copy at the Rate of Sixpence for every One hundred Words, and ſo in Proportion for any leſs Number; and Notice of the intended Proof ſhall be given Three Times by the Principal Clerk of the ſaid Company of Proprietors, in One or more of the Newſpapers uſually circulated in the County of *Wilts*, Three ſucceſſive Weeks immediately preceding ſuch Court of General or Quarter Seſſions; and in caſe a ſufficient Number of Subſcribers ſhall not be obtained on or before the Firſt Day of *January* One thouſand eight hundred and eighteen, who ſhall have ſubſcribed the ſaid Sum of Forty-four thouſand Pounds at the leaſt, in the Manner aforeſaid, and to be proved as herein-before directed, then and in ſuch Caſe, this Act and every Clauſe, Matter and Thing herein contained, ſo far as relates to the making and maintaining of the ſaid Canal and other Works hereby authorized to be made ſhall from thenceforth be repealed, and become null and void, to all Intents and Purpoſes whatſoever.

If the Sum of 60,000*l.* is not ſufficient, the Company may raiſe

XLIX. And be it further enacted, That if the ſaid Sum of Sixty thouſand Pounds herein-before authorized to be raiſed, ſhall be found inſufficient for the making, completing and maintaining of the ſaid Canal and other Works hereby authorized to be made, and all neceſſary Charges

and Expences relating thereto, then and in ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors, after an Order or Reſolution for that Purpoſe ſhall be made at a Special Meeting of the Proprietors, to be called by the Committee of Management of the ſaid Company of Proprietors, and of which Meeting Fourteen Days previous Notice ſhall have been given in ſome Newſpaper publiſhed or uſually circulated in the ſaid County of *Wilts*, to contribute among themſelves any further Sum or Sums of Money for the Purpoſes aforeſaid, not exceeding in the Whole the Sum of Thirty thouſand Pounds, and ſuch further Sum or Sums of Money ſhall, after ſuch Order or Reſolution for that Purpoſe as aforeſaid, be raiſed and contributed by the ſeveral Perſons poſſeſſed of the aforeſaid Two thouſand four hundred Shares in the ſaid Undertaking, according and in Proportion to their reſpective Shares and Intereſts therein; and the ſaid Two thouſand four hundred Shares, and the Owners thereof, ſhall continue to be, in reſpect of ſuch further Sum or Sums of Money, ſubject to ſuch and the ſame Calls, to be made by the Committee of Management of the ſaid Company of Proprietors, in ſuch and the ſame Proportions and within ſuch and the ſame Time, and under and ſubject to ſuch and the ſame Regulations, Rules, Orders, Fines and Forfeitures, as the ſaid Two thouſand four hundred Shares, and the Owners thereof, are hereafter made ſubject and liable to, in reſpect of the ſaid Sum of Sixty thouſand Pounds, as fully and effectually, to all Intents and Purpoſes, as if ſuch further Sum or Sums of Money had conſtituted Part of the original Sum hereby authorized to be raiſed.

30,000l. more among themſelves.

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

Or they may raiſe the ſaid 30,000l. by Mortgage.

'BY Virtue of an Act, made in the Fifty-third Year of the Reign of His Majeſty King *George* the Third, intituled [*inſert the Title of the Act*] we, the Company of Proprietors of the ſaid Navigation and Undertaking, incorporated by virtue of the ſaid Act, in Conſideration of the Sum of of lawful Money of *Great Britain*, to

Form of Mortgage.

'to us paid by *A. B.* of do hereby bargain, ſell and 'aſſign, unto the ſaid *A. B.* his or her Executors, Adminiſtrators and 'Aſſigns, the ſaid Navigation and Undertaking, and all and ſingular the 'Tolls, Rates, and Duties granted or ariſing and payable to us by virtue 'of the ſaid Act, and all the Eſtate, Right, Title and Intereſt of us the 'ſaid Company of Proprietors, of, in, to, or out of the ſame reſpectively; 'to hold unto the ſaid *A. B.* his or her Executors, Adminiſtrators and 'Aſſigns, until the ſaid Sum of together with 'Intereſt for the ſame, after the Rate of *per Centum per* '*Annum*, ſhall be fully paid and ſatisfied. Given under our Common 'Seal this Day of .'

No Preference among Mortgagees.

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

A Memorial of Mortgages to be entered by the Company's Clerk.

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

Mortgages may be transferred.

Form of Transfer.

'I *A. B.* in Conſideration of the Sum of to 'me paid by *C. D.* of do hereby transfer 'the within Mortgage [*or*, a certain Mortgage] made to me by the 'Company of Proprietors of the *North Wilts* Canal Navigation, bearing 'Date the Day of and the Principal 'Sum of thereby ſecured, and the Intereſt 'now due and hereafter to grow due for the ſame, and all my Right 'and Property therein, unto the ſaid *C. D.* his [*or*, her] Executors, Ad'miniſtrators and Aſſigns. In witneſs whereof I have hereunto ſet my 'Hand and Seal this Day of .'

Memorials of Transfers to be entered.

And that every ſuch Transfer ſhall, within Forty Days of the Date thereof, be produced to the principal Clerk to the ſaid Company of Proprietors, who

ſhall

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

Or by Promiſſory Notes.

LII. Provided always, and be it further enacted, That if the ſaid Company of Proprietors ſhall think it more expedient to borrow ſuch further Sum of Thirty thouſand Pounds or any Part thereof, by Promiſſory Notes under the Common Seal of the ſaid Company of Proprietors, it ſhall and may be lawful for them ſo to do; and that ſuch Notes ſhall be made payable in ſuch Manner, and at ſuch Time or Times, and with ſuch legal or leſs Rate of Intereſt as the ſaid Company of Proprietors ſhall think proper, and either with or without Power, in the Holders of ſuch Notes, to have an Option of being admitted to hold a Share of Twenty-five Pounds, in lieu of the Principal Money thereby to be ſecured, or ſo much or ſuch Parts thereof as the ſaid Company of Proprietors, or their Committee of Management for the Time being, and the Perſon or Perſons advancing ſuch Money on the Security of the ſaid Notes ſhall jointly agree upon, ſo nevertheleſs that no Perſon be in any Caſe admitted to hold a Share of Twenty-five Pounds, in lieu of a leſs Principal Sum of Money than Twenty-five Pounds advanced on the Security of ſuch Notes, the Particulars of ſuch Option being at all Times expreſſed in the ſaid Notes; and the Rates authorized to be taken, and which ſhall ariſe and be taken, by virtue of this Act, ſhall be a Security for any Sum or Sums of Money ſo to be borrowed as aforeſaid with Intereſt, to the Perſon or Perſons who ſhall from Time to Time be entitled to ſuch Securities, and the Principal Money and Intereſt thereby ſecured; and all Perſons to whom any ſuch Securities as aforeſaid ſhall be given ſhall be equally entitled to a Claim or Lien on the ſaid Rates, in Proportion to the reſpective Sums mentioned thereby to be ſecured and advanced, as if the ſame were advanced upon Mortgages or Aſſignments of the ſaid Rates in purſuance or by virtue of this Act, and without any Preference by reaſon of the Priority of the Date of any ſuch Securities, or on any other Account whatſoever.

Intereſt of Money borrowed, to be paid in preference to the Dividends, and may be ſued for at Law.

LIII. And be it further enacted, That the Intereſt of the Money which ſhall be borrowed on Mortgage or Promiſſory Notes as aforeſaid ſhall be paid Half-yearly to the ſeveral Perſons entitled thereto, in Preference to any Intereſt or Dividends due and payable by virtue of this Act to the ſaid Company of Proprietors or any of them, and ſhall from Time to Time be fully paid and diſcharged or provided for before the yearly or other Intereſt or Dividends due to the ſaid Company of Proprietors, or any of them, ſhall be paid, made, or divided; and in caſe the ſame, or any Part thereof, ſhall be behind and unpaid, by the Space of Thirty Days next after the ſame ſhall become due and payable as aforeſaid, and after Demand made, that then it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, and they are hereby required, on Requeſt to them made by any Creditor whoſe Intereſt ſhall be ſo in arrear, by an Order under their Hands, to appoint one or more Perſon or Perſons to receive the Whole, or ſuch Part or Parts of the ſaid Rates as are liable to pay

ſuch Intereſt ſo due and unpaid as aforeſaid; and the Money ſo to be received by ſuch Perſon or Perſons is hereby declared to be ſo much Money received by or to the Uſe of ſuch Perſon or Perſons to whom ſuch Intereſt ſhall be then due, until the ſame, together with the Coſts and Charges of recovering and receiving the Rates, ſhall be fully ſatisfied and paid; and after ſuch Intereſt and Coſts ſhall be paid and ſatisfied the Power and Authority of ſuch Receiver or Receivers for the Purpoſes aforeſaid ſhall ceaſe and determine; or otherwiſe the ſaid Intereſt ſo due and unpaid as aforeſaid ſhall be ſued for and recovered with Coſts, by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Land Owners to be admitted Subſcribers in certain Caſes.

LIV. And be it further enacted, That in caſe any Perſon or Perſons, or Body Politic, Corporate, or Collegiate, who now is or are Owner or Owners, or in the actual Poſſeſſion, or entitled to the Rents and Profits of any of the Lands within the Line of, or to be cut through, taken, or uſed for making the ſaid intended Canal, and who ſhall not have ſubſcribed towards the Purpoſes of this Act, a Sum which will entitle him or them to Ten Shares at leaſt in the ſaid Undertaking, (provided the Eighth Part of a Mile or more in Length of ſuch Land ſhall be ſo cut through, taken, or uſed) ſhall be deſirous of becoming a Proprietor or Proprietors of a Share or Shares in the ſaid Undertaking, and ſhall, by Writing under his or her Hand, or the Common Seal of ſuch Body Politic, Corporate, or Collegiate, atteſted by ſome credible Witneſs or Witneſſes (to be delivered to the Principal Clerk of the ſaid Company of Proprietors, within Three Calendar Months next after the paſſing of this Act), ſignify ſuch Deſire, and the Sum he, ſhe, or they is or are willing to contribute and advance for or towards the Purpoſes of this Act, then and in every ſuch Caſe the ſaid Company of Proprietors ſhall and are hereby required to admit every ſuch Perſon, or Body Politic, Corporate, or Collegiate, to be a Proprietor or Proprietors of the ſaid Undertaking; and in order thereto, the ſaid Company of Proprietors may and are hereby empowered to make ſuch Increaſe of the Number of Shares in the ſaid Undertaking, as they ſhall judge neceſſary or proper, and all ſuch new Shares ſhall be ſubject to the Regulations and Proviſions of this Act, in like Manner as if they were Part of the original Shares in the ſaid Undertaking; and every Perſon and Body Politic, Corporate, or Collegiate ſhall, after ſuch Deſire ſhall have been ſignified as aforeſaid, be compellable to become a Subſcriber or Subſcribers of the Sums which they ſhall have ſtated themſelves willing to contribute, and ſhall from and after ſuch Admiſſion as aforeſaid, be united and incorporated with and be Part of the ſaid Company of Proprietors, and ſhall be a Proprietor or Proprietors of a Share in the ſaid Undertaking for every Twenty-five Pounds of the Money in ſuch Writing mentioned, in like Manner in all Reſpects, and to all Intents and Purpoſes, as if ſuch Perſon or Body Politic, Corporate, or Collegiate had been before named and conſtituted Part of the ſaid Company of Proprietors: Provided nevertheleſs, that no ſuch Perſon or Perſons, Body Politic, Corporate, or Collegiate, ſhall be permitted ſo to ſubſcribe for any greater Number of Shares than in the Proportion of Four Shares for every Eighth Part of a Mile in Length of his, her, or their Land, to be ſo cut through, taken, or uſed: Provided always, that in caſe any Body Corporate or Collegiate, ſo entitled as aforeſaid, ſhall not ſignify their Deſire to ſubſcribe in their Corporate Capacity as aforeſaid, it ſhall be lawful for their Leſſee or Leſſees, holding and being in Poſſeſſion

Leſſees in certain Caſes may be admitted Subſcribers.

ſion of any ſuch Lands under ſuch Body Corporate or Collegiate (except Leſſees at Rack Rent) to become a Subſcriber or Subſcribers, in his, her, or their own Name or Names, for as many Shares in the ſaid Undertaking as he, ſhe, or they might have ſubſcribed for, if ſuch Lands had been his or their own Freehold; and ſuch Leſſee or Leſſees ſignifying his or their Deſire to become a Subſcriber or Subſcribers as aforeſaid, by Writing under his or their Hand or Hands (to be delivered to the Clerk or Clerks to the ſaid Company of Proprietors, within One Calendar Month after the Expiration of the ſaid Three Calendar Months allowed to the Leſſor or Leſſors of ſuch Leſſee or Leſſees) ſhall be admitted a Proprietor or Proprietors of ſuch Undertaking in like Manner as herein-before mentioned with reſpect to the Owners of Lands to be cut through, taken, or uſed as aforeſaid: Provided nevertheleſs, that the ſaid Company of Proprietors ſhall not be obliged to admit any Perſon or Perſons, or Body Politic, Corporate, or Collegiate, to be a Proprietor or Proprietors of any Share in the ſaid Undertaking, on account of his, her, or their being Owner or Owners, or in the actual Poſſeſſion, or entitled to the Rents and Profits, or Leſſee of Lands to be cut through, taken, or uſed as aforeſaid, until ſuch Lands ſhall have been actually purchaſed by the ſaid Company of Proprietors, or until the Perſon, or Body Politic, Corporate, or Collegiate, deſiring to be ſo admitted, ſhall have paid to the ſaid Company of Proprietors the like Sum of Money upon every Share to which he, ſhe, or they ſhall deſire to be admitted, as ſhall have been paid to the ſaid Company of Proprietors upon any other of the Shares in the ſaid Undertaking.

Conditions on which Perſons may be admitted Subſcribers.

LV. And be it further enacted, That every Body Politic and Corporate, and all and every other Perſon and Perſons who ſhall have ſubſcribed for, or ſhall become entitled to, and be in the actual Poſſeſſion of, One or more Share or Shares in the ſaid Navigation and Undertaking, ſhall be deemed a Proprietor for every ſuch Share, and ſhall have a Vote in reſpect of every ſuch Share, at all Meetings of the ſaid Company of Proprietors, to be held in purſuance of this Act, for carrying on the ſaid Undertaking or relating thereto; and ſuch Vote or Votes ſhall and may, in all Caſes, be given by ſuch Body Politic or Corporate, and other Perſon and Perſons, or by their, his, or her Proxy, duly conſtituted under the Seal of ſuch Body Politic or Corporate, or the Hand or Hands of ſuch other Perſon or Perſons, or in caſe of the Infancy of any ſuch other Perſon or Perſons, then under the Hand or Hands of his, her, or their Guardian or Guardians, ſuch Proxy being a Proprietor of One or more Share or Shares in the ſaid Undertaking; and that every ſuch Vote by Proxy ſhall be as good and valid, to all Intents and Purpoſes, as if the Principal or Principals had voted in Perſon, and being an Infant or Infants had been of full Age; and the Appointment of every ſuch Proxy ſhall and may be made in the Form or to the Effect following; (that is to ſay),

Proprietors to have a Vote for every Share.

Form of Appointment of Proxy.

'I *A. B.* [*or*, We *A. B.* and *C. D.* Guardians of *E. F.*] a Proprietor of Share [*or*, Shares] in the *North Wilts* Canal Navigation, do hereby nominate, conſtitute, and appoint *G. H.* to be my [*or* his *or* her] Proxy in my [*or*, his *or* her] Name, and in my [*or*, his *or* her] Abſence to vote and give my [*or* his *or* her] Aſſent or Diſſent to any Buſineſs, Matter or Thing, relating to the ſaid Navigation or Undertaking, which ſhall be mentioned or propoſed at any Meeting of the

'Proprietors of the ſaid Navigation, or any Adjournment thereof, in 'ſuch Manner as he the ſaid *G. H.* ſhall think proper, according to his 'Opinion and Judgment, for the Benefit of the ſaid Navigation and 'Undertaking, or any Thing appertaining thereto, until I [*or*, We] the 'Guardians of the ſaid [*E. F.*] ſhall revoke this Appointment, by Notice in 'Writing to the Principal Clerk to the ſaid Company of Proprietors. In 'Witneſs whereof I [*or*, We] have hereunto ſet my [*or*, our] Hand [*or* 'Hands] the Day of

At a Meeting of Proprietors all Queſtions to be determined by a Majority.

And that every Queſtion, Matter and Thing whatſoever, which ſhall be propoſed, diſcuſſed, or conſidered at any Meeting of Proprietors to be held by virtue or in purſuance of this Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote to every Share in the ſaid Undertaking as aforeſaid; and that at every ſuch Meeting, One of the Proprietors preſent ſhall be appointed Preſident or Chairman, who ſhall not only have ſuch Vote or Votes as a Proprietor, or as Proxy for any other Perſon or Perſons as aforeſaid, but ſhall alſo, in caſe of an equal Diviſion, have the deciſive or caſting Vote; and if at any Time Two or more Perſons ſhall be propoſed as Preſident or Chairman, and ſhall have an equal Number of Votes, then the Perſons ſo propoſed ſhall draw Lots for the ſaid Office: Provided always, nevertheleſs, that no Proprietor, although he may hereafter by Means of any Will or Settlement, or by Act of Law, become entitled to and be poſſeſſed of more than One hundred Shares in the ſaid Navigation and Undertaking, ſhall have or give more than One hundred Votes in Perſon or by Proxy, at any Meeting of Proprietors to be held in purſuance of this Act, for the Purpoſe of electing a Treaſurer or Treaſurers to the ſaid Company of Proprietors, or for the Purpoſe of electing Members of the Committee of Management herein-after mentioned; and that no Proprietor, although poſſeſſed of more than Fifty Shares in the ſaid Navigation and Undertaking, ſhall have or give more than Fifty Votes in Perſon, nor more than Twenty-five Votes by Proxy, at any Meeting of Proprietors to be holden in purſuance of this Act, for any other Purpoſe whatſoever than for electing a Treaſurer or Treaſurers or Members of the Committee of Management.

Chairman to be appointed, who ſhall have the caſting Vote, &c.

The Buſineſs of the Company, except in certain Caſes, to be managed by a Committee of Nine, &c.

LVI. And be it further enacted, That for the better carrying the Purpoſes of this Act into Execution, all the Affairs and Buſineſs of the ſaid Company of Proprietors (except with reſpect to ſuch Matters as are by this Act expreſsly directed to be done at a General Meeting or Meetings of the Proprietors) ſhall be tranſacted and managed by a Committee of Nine of the ſaid Company of Proprietors, to be elected in the Manner herein-after mentioned, and to be called 'The Committee of Management,' and that, for the Purpoſe of electing ſuch Committee, there ſhall be a General Meeting of the Proprietors, at *The Goddard's Arms Inn* in *Swindon*, in the ſaid County of *Wilts*, on the Third *Friday* after the paſſing of this Act, at Eleven of the Clock in the Forenoon, and a like General Meeting ſhall be held once in every ſubſequent Year for the future, on the Firſt *Friday* in the Month of *July*, at Eleven of the Clock in the Forenoon, at *The Goddard's Arms Inn* aforeſaid, or at ſuch other Place as ſhall have been fixed upon for that Purpoſe at the preceding General Meeting; and that at ſuch Firſt General Meeting, and alſo at every ſubſequent General Meeting to be held on the ſaid Firſt *Friday* in *July* yearly, the ſaid Proprietors or ſuch of them as ſhall be preſent,

together with such Proxies as shall be present, shall elect and make Choice of Nine Persons out of the said Proprietors, who shall be respectively Proprietors of Five or more Shares in the said Undertaking to be Members of the said Committee, to manage the Affairs and Business of the said Company for the Space of One Year then next ensuing, and until Nine other Persons qualified in like Manner shall be elected in their Stead, pursuant to the Directions of this Act; which said Nine Persons so to be elected Members of the said Committee from Time to Time as aforesaid, or such of them as shall not be present at such Election, shall be forthwith informed thereof by the President or Chairman of the Meeting at which they shall be respectively elected, or by the Principal Clerk of the said Company of Proprietors for the Time being; and that the Nine Persons so to be elected from Time to Time in the Manner aforesaid, shall be the said Committee of Management, and shall respectively continue in Office until the Expiration of One Year to be computed from the Day of Election, and until others shall be elected in their Stead.

General Meetings for chooſing Committees to conſiſt of Fifty Shares.

LVII. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Persons present who shall be possessed of Fifty Shares at the least in the said Undertaking, either as Principals or Proxies, no Choice of any Committee of Management, nor any Removal of any Person or Persons from such Committee, nor any Election of any Person or Persons in the room of such of the Members of the said Committee as shall die or be removed, shall be made at that Time; but in such Case there shall be another Meeting of the Proprietors of the said Undertaking, at the same Hour and Place, in the Week then next following, and on the same Day in that Week, and so from Time to Time until there shall be Persons present at such Meeting having such Number of Shares as aforesaid; and such Choice, Removal or new Appointment of such Committee, or any Member of such Committee, shall then take Place, and the Persons then chosen to be of such Committee shall have the same Powers which they would have had, and shall continue in such Offices until such Time as they would have done, had they been chosen by the said First Meeting herein-before appointed; and in case of Failure of the Meeting of a sufficient Number of Proprietors having Fifty Shares, as Principals or Proxies, at such First Meeting, every Proprietor who shall not attend such Second Meeting, in Person or by Proxy, shall forfeit to the said Company of Proprietors, for every Share which he or she shall possess in the said Undertaking, the Sum of Two Shillings, to be deducted out of the next succeeding Payment of Interest, or Dividends of the Profits of the said Undertaking, as the Case may happen; and in case no Interest or Dividends shall be payable to such Person or Persons so making Default as aforesaid, within Six Calendar Months next after the making of such Default, then such Forfeiture shall be recovered by the Ways and Means herein-after appointed for the Recovery of any of the Penalties or Forfeitures imposed by this Act.

Meeting of Proprietors may be ſpecially convened.

LVIII. And be it further enacted, That if it shall at any Time appear that, for the more effectually putting this Act in Execution, a Special Meeting of the said Company of Proprietors is necessary to be held, it shall be lawful for any Ten or more of the said Company of Proprietors, poſſeſſed

poſſeſſed of One hundred Shares in the Whole at leaſt, of the ſaid Undertaking, to call a Special Meeting of the Proprietors by public Advertiſement, in ſome Newſpaper publiſhed or uſually circulated in the County of *Wilts*, and alſo in ſome *London* Newſpaper or Newſpapers, ſpecifying in ſuch Notice the Reaſon and Intention of calling ſuch Special Meeting, and the Time when and Place where the ſame ſhall be held, the Time not being leſs than Fourteen Days after ſuch Notice, and the Place being within Eight Miles of the Line of the ſaid intended Navigation, and the ſaid Company of Proprietors are hereby authorized to meet purſuant to ſuch Notice, and ſuch of them as ſhall be preſent ſhall proceed to the Execution of the Powers by this Act given to the ſaid Company of Proprietors, with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the Proprietors, or of the major Part of them met together at every ſuch Special Meeting (provided ſuch major Part ſhall be poſſeſſed of Two hundred Shares at the leaſt in the ſaid Navigation, either as Principals or Proxies) ſhall be as valid, with reſpect to the Matter ſpecified in ſuch Notice, as if the ſame had been done at any Ordinary General Meeting.

General Meetings of the Committee of Management when and where to be held.

LIX. And be it further enacted, That a Meeting of the Firſt Committee of Management ſhall be held for putting this Act in Execution, at *The Goddard's Arms Inn*, in *Swindon*, in the ſaid County of *Wilts*, on the Second *Friday*, or that Day Fortnight after their Election; and a Meeting of every ſubſequent Committee of Management ſhall be held for putting this Act in Execution, at the ſame Place or at ſuch other Place as the Principal Clerk of the ſaid Company of Proprietors for the Time being ſhall appoint, on the Second *Friday* or that Day Fortnight after the Election of the Members of ſuch ſubſequent Committee; and a General Quarterly Meeting of the Committee of Management for the Time being, ſhall be held in the Months of *September*, *December*, *March*, and *June* reſpectively, at Eleven of the Clock in the Forenoon, at *The Goddard's Arms Inn*, in *Swindon* aforeſaid, or at ſuch other Place and on ſuch Days as the ſaid Committee of Management ſhall at their preceding General Meeting appoint; of all which General Quarterly Meetings public Notice ſhall be given in ſome Newſpaper publiſhed or uſually circulated in the ſaid County of *Wilts*, and alſo in ſome One or more *London* Newſpaper or Newſpapers, Ten Days at leaſt before the Time appointed for ſuch Meeting; and it ſhall be lawful for the Committee of Management for the Time being, at any General Meeting to be held in purſuance of this Act, to adjourn themſelves from Time to Time, and from Place to Place, as they ſhall think proper and expedient; and in caſe no Time ſhall be appointed by the ſaid Committee at any ſuch General Quarterly Meeting, for holding the then next General Quarterly Meeting, in ſuch Caſe the Principal Clerk to the ſaid Company of Proprietors ſhall and may appoint the Time and Place for holding the next General Quarterly Meeting of the ſaid Committee, ſome Time in the Months of *September*, *December*, *March*, or *June* reſpectively, as the Caſe ſhall require; and alſo that the ſaid Principal Clerk, at the Requiſition in Writing of any Three or more of the ſaid Committee, of whom the Chairman (if there ſhall be one) ſhall be one, or of any Five of the ſaid Committee, with or without the Chairman, ſhall and may at any Time or Times convene a Meeting of the ſaid Committee of Management, for any Special Purpoſe, to be held at ſuch Time and Place, or Times and Places, as ſhall be mentioned in ſuch Requiſition; provided that

that the like Notice shall be given of such Meeting, in any such Case, as is by this Act required to be given of the holding of General Quarterly Meetings.

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

LX. And be it further enacted, That every Committee of Management shall, at their First Meeting to be held in pursuance of this Act, elect a Chairman out of the Members of such Committee then present, to preside at such Meeting, and at all other Meetings of the same Committee whilst he shall continue to be a Member thereof; and in case the Office of Chairman shall at any Time become vacant by Death, Resignation, or otherwise, the said Committee of Management shall, at their next Meeting after such Vacancy, elect some other Person out of the Members of such Committee then present, to be their Chairman at such Meeting, and at all other Meetings of the same Committee to be held whilst he shall continue a Member thereof; and that any Five or more Members of the Committee of Management for the Time being, but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of electing a Chairman of such Committee; and that after a Chairman shall be elected, any Three or more Members of such Committee (whereof the Chairman, or in his Absence such other Member of the said Committee as he shall from Time to Time, by any Writing under his Hand, appoint to supply his Place, shall be one), but not less, shall be a sufficient Number to constitute a Meeting for the Purpose of doing all other Acts, Matters, and Things, and exercising all other Powers and Authorities, hereby directed to be done by and vested in such Committee; and that all Questions, Matters, and Things which shall be proposed, discussed, or considered by the said Committee of Management, at their Meetings to be held in Manner aforesaid, shall be decided and determined by the Majority of Members then present; but no Member shall have more than One Vote at any such Meeting, save and except that, in the Case of an equal Division, the Chairman, or the Person appointed to supply his Place as aforesaid, shall always have the casting Vote; and if at any Meeting to be held for the Election of a Chairman as aforesaid, Two or more Persons shall be proposed to fill that Office, and shall have an equal Number of Votes, then the Persons so proposed shall draw Lots for the same: Provided always, that if on the Day appointed for any such Meeting of the Committee of Management as aforesaid, there shall not attend so many Members of such Committee as are hereby required to constitute a Meeting for exercising the Power hereby vested in such Committee, then and in such Case, and when and so often as the same shall happen, the Meeting shall be adjourned to that Day Fortnight, by the Member or Members then present, or if no Member shall be present, by the Principal Clerk to the said Company of Proprietors, or such other Person as shall attend in his Place.

Committee of Management, to appoint a General Meeting of the Proprietors to elect a Treasurer.

LXI. And be it further enacted, That the said Committee of Management shall, at their First Meeting after the passing of this Act, and also at their First Meeting which shall be held in the Month of *June* in every subsequent Year, and also at their First Meeting after any Vacancy shall happen, by Death or otherwise, in the Office of Treasurer to the said Company of Proprietors, appoint a General Meeting of the Proprietors at large, to be held at such Time and Place as they shall think proper, within Thirty Days next after such Meeting of the said Committee, for

the Purpoſe of electing a Treaſurer or Treaſurers to the ſaid Company of Proprietors, and ſhall cauſe public Notice of the Time and Place appointed for ſuch General Meeting of the Proprietors, to be given by Advertiſement in ſome Newſpaper publiſhed or uſually circulated in the ſaid County of *Wilts*, and alſo in ſome One or more *London* Newſpaper or Newſpapers, Seven Days at leaſt before the Time appointed for ſuch Meeting; and the Proprietors who ſhall be aſſembled at ſuch General Meeting, are hereby accordingly authorized and required to elect and make Choice of ſome Perſon or Perſons to be a Treaſurer or Treaſurers to the ſaid Company; and in caſe ſo many of the ſaid Company of Proprietors as ſhall be poſſeſſed of One hundred Shares in the ſaid intended Navigation and Undertaking ſhall at any Time be diſſatisfied with the Conduct of the Treaſurer or Treaſurers to the ſaid Company, and ſhall ſignify ſuch their Diſapprobation, in Writing ſigned by them, to the Committee of Management, at any Meeting to be held as aforeſaid, then ſuch Committee ſhall thereupon call and appoint a General Meeting of the Proprietors, to be held within Thirty Days from that Time, for the Purpoſe of taking into Conſideration the Cauſe of Complaint againſt ſuch Treaſurer or Treaſurers, and ſhall give public Notice of ſuch Meeting, in the Manner aforeſaid, Ten Days at leaſt before the Time appointed for holding the ſame; and the Proprietors to be aſſembled at ſuch Meeting ſhall and may, after taking the Matter into Conſideration, either continue ſuch Treaſurer or Treaſurers in his or their Office, or remove or diſmiſs him or them from the ſame, and elect or appoint ſome other Perſon or Perſons in his or their Stead, according as they ſhall judge proper and expedient.

Security to be taken from the Treaſurer.

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

Committee of Management may appoint Clerks, Engineers, Collectors, &c.

LXIII. And be it further enacted, That it ſhall and may be lawful for the Committee of Management, at any ſuch Meeting as aforeſaid, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Principal Clerk, on whom the Service of all Writs, Notices, and other legal Proceedings againſt the ſaid Company of Proprietors, ſhall be deemed good Service on the ſaid Company; and ſuch one or more other Clerk or Clerks, and ſuch Engineers, Surveyors, Collectors of the Tolls, Rates, and Duties herein-after granted, and other Officers (except the Treaſurer or Treaſurers) as the ſaid Committee of Management ſhall think proper and expedient, for the better carrying the Purpoſes of this Act into Execution; the ſaid Committee always taking good and ſufficient Security, from all Collectors and other Officers who ſhall have the Care or Cuſtody of any Money to be raiſed or received by virtue of this Act, for the faithful Diſcharge of the Truſt repoſed in them; and alſo from Time to Time to diſcharge and diſmiſs any ſuch Clerks, Engineers, Surveyors, Collectors, or other Officers, and appoint others in their Stead as there ſhall be Occaſion; and that all

ſuch

ſuch Clerks, Engineers, Surveyors, Collectors, and other Officers of the ſaid Company of Proprietors who ſhall at any Time quit or be diſmiſſed from the Service of the ſaid Company, and the reſpective Executors or Adminiſtrators of thoſe who may happen to die, ſhall immediately thereupon produce and deliver up to the ſaid Committee of Management, or to ſuch Perſon or Perſons as they ſhall direct, all Books, Accounts, Papers, and Writings whatſoever, which ſhall be in the Cuſtody or Power of ſuch Engineers, Surveyors, Clerks, Collectors, or other Officers, Executors, or Adminiſtrators reſpectively, in anywiſe relating to the ſaid intended Navigation.

Principal Clerk may appoint a Deputy.

LXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Principal Clerk to the ſaid Company of Proprietors (with the Conſent of the ſaid Committee of Management, to be given at any General Meeting of ſuch Committee), by any Writing under his Hand, to appoint one or more Deputy or Deputies; and all Acts required to be done by the ſaid Principal Clerk, and all Notices and Proceedings which by the ſaid Act may be ſerved on the ſaid Principal Clerk, ſhall be equally good, valid, binding, and effectual, as if done by or ſerved upon ſuch Deputy or Deputies.

Committee of Management may make Calls for Money, purchaſe Lands, etc.

LXV. And be it further enacted, That the Committee of Management ſhall alſo have full Power and Authority from Time to Time, at any ſuch Meeting as aforeſaid, to make ſuch Call or Calls for Money from the ſeveral Proprietors of the ſaid Navigation and Undertaking, in order to defray the Expences of, or to carry on the ſame, as they ſhall from Time to Time find wanting and neceſſary for thoſe Purpoſes, ſo that no ſuch Call ſhall exceed the Sum of Five Pounds, for or in reſpect of every Share in the ſaid Navigation and Undertaking, and ſo that no ſuch Calls be made but at the Diſtance of Two Calendar Months at leaſt from each other, and ſo that Twenty-eight Days Notice at leaſt ſhall be given of every ſuch Call, by Advertiſement in ſome Newſpaper publiſhed or uſually circulated in the ſaid County of *Wilts*, and alſo in ſome one or more *London* Newſpaper or Newſpapers; all which Money ſo to be called for as aforeſaid, ſhall be paid into the Hands of the Treaſurer or Treaſurers of the ſaid Company of Proprietors, to be iſſued, paid, and applied, for carrying on the ſaid Navigation and Undertaking, in ſuch Manner as the ſaid Committee of Management ſhall from Time to Time order and direct; and that the ſaid Committee of Management ſhall alſo have full Power and Authority, at every ſuch Meeting as aforeſaid, on behalf of the ſaid Company of Proprietors, to contract for and purchaſe all ſuch Lands, Tenements, or Hereditaments, and all ſuch Materials and other Things as ſhall or may be wanted for the ſaid Navigation and other Works hereby authorized to be made; and to treat and agree with any Perſon or Perſons whomſoever, touching the Compenſation to be made for any Damages to be done in the Exerciſe of the Powers hereby given; and to enter into and make ſuch Contracts or Agreements with any Engineer or Engineers, Surveyors, Agents, Workmen, Servants, or other Perſons, in and about, or for the carrying on of the ſaid Navigation and other Works, or any Part thereof, as ſhall be thought expedient; and to enter into and make all ſuch other Contracts, Bargains, and Agreements whatſoever, touching or in anywiſe concerning the ſaid Undertaking, as they ſhall think proper; and to order and direct how the ſeveral Works ſhall from

from Time to Time be carried on, and generally to direct and manage all and ſingular the Affairs and Buſineſs of the ſaid Company of Proprietors, and to do, execute, and perform all Acts, Matters, and Things which the ſaid Company are by this Act authorized and empowered to do, ſave and except ſuch only as are hereby expreſsly directed to be done by the Proprietors at any General Meeting or Meetings of ſuch Proprietors, to be held as herein-before and herein-after mentioned.

Committee may allow Intereſt to Proprietors on Payments in advance.

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

Committee may appoint Sub-Committees, with Power to make Contracts, etc. and diſſolve them again, etc.

LXVII. And be it further enacted, That it ſhall be lawful for the Committee of Management, at any ſuch General Meeting as aforeſaid, to nominate and appoint out of their own Body, or from any of the ſaid Proprietors, one or more Sub-Committee or Sub-Committees (every ſuch Sub-Committee to conſiſt of Two or more Perſons) who ſhall have full Power and Authority to enter into and make any ſuch Contracts or Agreements on behalf of the ſaid Company of Proprietors as aforeſaid, and to hire and employ any Agents, Workmen, and Servants in and about the ſaid Undertaking, and to do, execute, and perform all other Matters and Things whatſoever, in and about the ſaid Navigation and Undertaking, which the Committee of Management are themſelves herein-before authorized to do, or ſuch of them as the ſaid Committee of Management ſhall think proper to entruſt to the Care and Management of any ſuch Sub-Committee or Sub-Committees, ſave and except, nevertheleſs, the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and ſettling of the Accounts of the Treaſurer or Treaſurers, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the making Calls for Money upon the Proprietors of the ſaid Undertaking, all which ſhall be done by the ſaid Committee of Management only, as herein-before is directed; and it ſhall alſo be lawful for the ſaid Committee of Management, by an Order or Reſolution for that Purpoſe at any General Meeting, to break up and diſſolve any ſuch Sub-Committee or Sub-Committees, or to remove and diſplace any Member or Members thereof, and appoint ſome other or others in his or their Place or Stead, when and as often as ſuch Committee of Management ſhall think proper and expedient; and ſuch Sub-Committees ſhall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they ſhall think proper, and

as Occasion shall require for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Committee of Management be vested in any such Sub-Committee, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings; and at all Meerings of such Sub-Committees respectively one of the Members present shall be appointed President or Chairman, and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote in case of an equal Division, but no other Member shall have more than one Vote.

Committees of Management and Sub-Committees to keep Account of Monies received and paid; and Minutes of all Contracts, etc.

LXVIII. And be it further enacted, That the Committee of Management, and every such Sub-Committee as aforesaid, shall enter or cause to be entered in Books to be provided for that Purpose at the Expence of the said Company of Proprietors, a full and true Account of all Money disburfed and Payments made by such Committee and Sub-Committees respectively, and by all and every Person and Persons employed by or under them, and of all Monies which shall be paid to or received by them respectively, for or on account of the said Company of Proprietors; and also a full and true Account, or proper Notes and Minutes, of every Contract, Bargain, and Agreement which shall be entered into by them respectively, for or on behalf of the said Company of Proprietors, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever in and about the Affairs and Business of the said Company; and all reasonable Expences to be incurred at or by the respective Meetings of the said Committee of Management, and of Sub-Committees respectively as aforesaid, shall be paid and defrayed out of the Cash or Stock of the said Company of Proprietors, and such Committee of Management, and Sub-Committees respectively, shall and may from Time to Time draw for the Amount of such Expences respectively upon the Treasurer or Treasurers of the said Company; but no other Money shall be issued or paid by the Treasurer or Treasurers, for or on account of the said Company of Proprietors, without an Order being made for that Purpose by the Committee of Management at any such General Meeting as aforesaid; and every such Book, and all other Books, Papers, and Writings belonging to the said Company of Proprietors, shall at all seasonable Times be open to the Inspection of all the said Proprietors, who may take Copies thereof, or Extracts therefrom without Fee or Reward.

Sub-Committees to be under Controul of Committee of Management.

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

Committee of Management may make Bye Laws.

LXX. And be it further enacted, That the said Committee of Management shall also have full Power and Authority from Time to Time, at any such Meeting as aforesaid, to make such Rules, Orders, and Bye-Laws as to them shall seem meet and proper for the good Government of the said Company of Proprietors, and for regulating the Proceedings of the said

Committee of Management; and for the regulating of all Officers, Workmen, and Servants to be employed in or about the Affairs or Buſineſs of the ſaid Company of Proprietors, and for the well and orderly uſing of the ſaid intended Navigation, and the Locks and Aqueducts thereto belonging; and for regulating the paſſing and repaſſing of all Veſſels, Boats, and Barges, and the conveying of all Goods, Wares, and Merchandize which ſhall be navigated or conveyed thereon; and for the orderly Behaviour of all Bargemen, Watermen, Boatmen and others, who ſhall be employed in carrying or conveying any ſuch Goods, Wares, or Merchandize, and for the Superintendance and Management of the ſaid Navigation and Undertaking in all other Reſpects whatſoever; and from Time to Time to alter or repeal ſuch Rules, Orders, and Bye Laws, or any of them, and to make others, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons offending againſt ſuch Rules, Orders, and Bye Laws, or any of them, not exceeding the Sum of Five Pounds, for any One Offence, as to the ſaid Committee of Management ſhall ſeem meet and expedient; and all Rules, Orders, and Bye Laws ſo to be made as aforeſaid, being reduced into Writing, and the Common Seal of the ſaid Company of Proprietors thereto affixed by the ſaid Committee of Management, and printed, ſhall be binding upon, and be obſerved by, all Perſons uſing or in anywiſe concerned in the ſaid Navigation, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame; provided that ſuch Rules, Orders, and Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*; and all ſuch Rules, Orders, and Bye Laws ſhall be ſubject to Appeal in Manner by this Act directed.

Committee of Management may call Special Meetings of Proprietors.

LXXI. And be it further enacted, That if it ſhall at any Time appear to the Committee of Management to be neceſſary or expedient to call a Special Meeting of the Proprietors, for more effectually putting this Act in Execution, or in order to take their Opinion reſpecting any Matter or Thing to be done in or about the ſaid Navigation and Undertaking, it ſhall be lawful for the ſaid Committee of Management, purſuant to an Order or Reſolution for that Purpoſe to be made at any Meeting of the ſame Committee, to call a Special Meeting of the Proprietors, by public Advertiſement in ſome Newſpaper publiſhed or uſually circulated in the ſaid County of *Wilts*, and alſo in ſome *London* Newſpaper or Newſpapers, ſpecifying in ſuch Advertiſement the Cauſe of calling ſuch Special Meeting, and the Time and Place when and where the ſame ſhall be held, the Time not being leſs than Fourteen Days after ſuch Notice ſhall be given, and the Place within Eight Miles of the Line of the ſaid intended Navigation; and the ſaid Company of Proprietors are hereby authorized and required to meet purſuant to ſuch Notice, and to take into Conſideration the Matters to be ſubmitted to them by the ſaid Committee of Management, and ſpecified in ſuch Notice; and the Deciſion and Determination of the Proprietors preſent at ſuch Meeting, or the major Part of them, according to the Number of Votes they ſhall have a Right to give, either as Principals or Proxies, reſpecting ſuch Matters, ſhall be binding and concluſive upon the reſt of the Proprietors to all Intents and Purpoſes, and ſhall be obſerved and acted upon accordingly.

Determination of a Majority of

LXXII. And be it further enacted, That at all General or Special and other Meetings of the Proprietors at large, to be held in purſuance of this Act,

Act, the Determination of the Majority of Votes, according to the Number of Votes in Person and by Proxy, which the Persons attending any such Meeting shall have a Right to give, and shall give, shall be considered as the Determination of the Whole.

Votes at any Meeting to bind the Whole.

LXXIII. And be it further enacted, That the Chairman of the General Meeting of Proprietors, to be held for the Purpose of electing Members of the Committee of Management as herein-before is directed, shall immediately after such Meeting, transmit or return to the Principal Clerk to the said Company of Proprietors, a List of the Persons who shall be elected at such Meeting to be Members of such Committee, which List shall from Time to Time be produced by such Principal Clerk at the First Meeting of such Committee, to be held in pursuance of this Act; and if any Person, being a Member of the Committee of Management, shall at any Time accept any Office or Place of Profit under the said Company of Proprietors, every such Person shall thenceforth cease to be a Member of such Committee, and all his Power and Authority as such shall be at an end; and when and so often as any Member of the said Committee of Management shall become incapable in the Manner aforesaid, or shall die or give in his Resignation, such of the remaining Members of such Committee as shall be present at the Meeting at which such Incapacity, Death, or Resignation, shall be declared or announced, shall thereupon elect some other Person to be a Member of the said Committee in his Place, until a new Committee shall be chosen pursuant to the Directions of this Act; and every Person who shall be elected a Member of the said Committee of Management, by virtue and in pursuance of this present Clause, shall have full Power and Authority to act in all Matters and Things relating to the said Navigation and Undertaking, in the same Manner as if he had been originally elected a Member thereof in pursuance of the Directions herein before contained.

The Chairman of the Meeting for electing Members of the Committee, to transmit a List of the Members elected, to the Principal Clerk of the said Company, &c.

LXXIV. And be it further enacted, That every Proprietor of any Share or Shares in the said Navigation and Undertaking shall from Time to Time pay his or her Proportion of the Money so to be called for as herein-before is mentioned, into the Hands of the Treasurer or Treasurers to the said Company, at such Time and Place as shall be appointed for that Purpose by the Committee of Management making such Call, and of which such Notice shall be given as herein-before is directed; and that if any such Person or Persons shall neglect or refuse to pay his, her, or their proportionable Part of the Money so to be called for as aforesaid, at the Time and Place which shall be appointed for that Purpose in Manner aforesaid, it shall be lawful for the said Company of Proprietors, in case they shall so think fit, to sue for and recover the same in any Court of Law or Equity.

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

LXXV. And be it further enacted, That in all Actions brought by the said Company of Proprietors, against any Person or Persons who hath or have subscribed, or who shall hereafter subscribe or advance any Money, for and towards the said Undertaking, or against any Owner or Owners, Proprietor or Proprietors, of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege, that the Defendant or Defendants, being an Owner or Owners, Proprietor or Proprietors,

Directing the Proceedings in Actions for Calls.

prietors, of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company, in a certain Sum of lawful Money to be specified in such Declaration, for a Call or such Number of Calls of such Sum or Sums of Money, upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the Special Matter; and on the Trial of such Action it shall be only necessary to prove, that the Defendant or Defendants, at the Time of making such Call or Calls, was or were an Owner or Owners, Proprietor or Proprietors, of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made and that such Notice was given thereof, as is directed by this Act; and the said Company shall thereupon be entitled to recover what shall appear due; and that no Wager of Law shall be allowed in any such Action, after Judgment shall be given for the said Company; and in any such Action Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants, with Two sufficient Sureties, shall first become bound to the said Company by Recognizance, to be acknowledged in the Court in which such Judgment shall be given, in double the Sum adjudged to the said Company by such Judgment, to prosecute the said Writ of Error with Effect; and also if the said Judgment shall be affirmed, or the said Writ of Error non-prossed, to satisfy and pay the Debt, Damages, and Costs, adjudged by the said Judgment, and all Costs and Damages to be awarded for Delay of Execution.

Manner of enforcing Payment of the Calls.

LXXVI. And, for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons, upon whom any Call or Calls for Money shall or may hereafter be made under or by virtue of this Act, for or in respect of any Share or Shares in the said Undertaking, shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares of the said Money to be called for and raised by virtue of this Act, for the Space of One Calendar Month after such Call or Calls shall have been made and become due as aforesaid, and the same shall not then have been sued for by the said Company of Proprietors, then and in such Case the Person or Persons so neglecting or refusing as aforesaid, shall absolutely forfeit all his or her Shares or Interest in the said Undertaking; and from thenceforth the said Share or Shares so forfeited shall be vested in the said Company of Proprietors, their Successors and Assigns, to and for the Uses and Purposes hereinafter mentioned: Provided always, that no Share or Shares of and in the said Undertaking shall vest in or accrue to the said Company, until Notice in Writing thereof shall be given, by the Treasurer, or by the Principal Clerk of the said Company, to the Person or Persons, or to the Clerk or Clerks, or other Head Officer or Officers of the Body or Bodies Politic, Corporate or Collegiate, in whose Name or Names such Share or Shares shall, at the Time of giving such Notice, stand registered in the Books of the said Company, or left at his, her, or their Dwelling House, or usual or last known Place of Abode, Fourteen Days at the least before such Share or Shares shall vest in or accrue to the said Company, or until Notice be published in the *London Gazette*, and in a *Wiltshire* and *London* Newspaper; and in such Notice shall be contained a Statement and Account of how much Money is due from such Person or Persons, Body or Bodies Politic,

Corporate, or Collegiate, for his, her or their Call or Calls, in reſpect of his, her or their Share or Shares in the ſaid Undertaking; and no ſuch Share or Shares ſhall be forfeited to or veſted in the ſaid Company, if the Owner or Owners of ſuch Share or Shares ſhall pay what ſhall appear by ſuch Statement to be due, together with legal Intereſt for the ſame, and all Expences attending the Application for the ſame, within the Time ſpecified in ſuch Notice; any Thing contained in this Act to the contrary thereof in anywiſe notwithſtanding.

Company empowered to ſell Shares of Defaulters.

LXXVII. And be it further enacted, That when any Share or Shares of the ſaid Undertaking ſhall, by virtue of this Act, have become forfeited to or veſted in the ſaid Company of Proprietors as aforeſaid, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Company, or their Committee of Management for the Time being, and they are hereby authorized and empowered, from Time to Time, to ſell or cauſe to be ſold by public Auction or private Contract, and by Writing under the Common Seal of the ſaid Company to aſſign and transfer, ſuch and ſo many of the Share or Shares of ſuch Defaulter or Defaulters as the ſaid Company or their Committee of Management ſhall from Time to Time find neceſſary, and direct to be ſold, unto ſuch Perſon or Perſons as ſhall become the Purchaſer or Purchaſers thereof, his, her or their Executors, Adminiſtrators and Aſſigns; and ſuch Aſſignment and Transfer ſhall be good, valid and effectual againſt the Owner or Owners of every ſuch Share or Shares ſo forfeited to or veſted in the ſaid Company of Proprietors as aforeſaid, and all Perſons claiming under him, her, or them: Provided always, that in caſe the Money produced by the Sale of any ſuch Share or Shares ſhall be more than ſufficient to pay any ſuch Arrears as aforeſaid, and legal Intereſt thereon, and the Expences attending the Sale or Sales thereof, the Surplus ariſing from ſuch Sale ſhall be paid to the Perſon or Perſons to whom ſuch Share or Shares ſhall have belonged: Provided alſo, that the ſaid Company of Proprietors or their Committee of Management, ſhall not, by virtue of this Act, at any Time or Times ſell or transfer, or direct to be ſold or transferred, any more of ſuch Shares of ſuch Defaulter or Defaulters than ſhall be ſufficient as near as may be, at the Time of ſuch Sale, to pay the Arrears due by ſuch Defaulter or Defaulters, for or on Account of ſuch Call or Calls, and the Intereſt and Expences attending the ſame; and from and after Payment of every the Call or Calls to be made by virtue of this Act, and the Intereſt and Expences as aforeſaid, any Share or Shares veſted in the ſaid Company of Proprietors as aforeſaid, which ſhall remain in their Hands unſold, ſhall revert to and again become the Property of the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, to whom ſuch Share or Shares ſhall have before belonged, in ſuch Manner as if ſuch Calls had been duly and regularly paid.

The Company not to ſue for Calls on forfeited Shares.

LXXVIII. Provided alſo, and be it further enacted, That nothing herein contained ſhall empower the ſaid Company of Proprietors to ſue the original Proprietors of any Share or Shares which ſhall be declared to be forfeited in Manner and according to the Tenor, true Intent and Meaning of this Act, except ſuch as ſhall revert in purſuance of the laſt preceding Clauſe, for any Call or Calls for Money ſubſequent to the Declaration of ſuch Forfeiture; but when any ſuch forfeited Share or Shares ſhall be ſold, the Purchaſer or Purchaſers thereof ſhall be liable to the future Calls, in the

same Manner as if he, she or they had been the original Proprietor or Proprietors of such Share or Shares.

On the Death of Subscribers before Shares completed, Executors may do it.

LXXIX. Provided also, and be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on each Share which he, she, or they shall have been possessed of or entitled to, without having made Provision, by Will or otherwise, how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company, for the Purpose of the said Undertaking, then and in such Case the Executor or Executors, Administrator or Administrators, of any such Owner so dying, or the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every other Person or Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid to complete every such Subscription; and if such Owner or Owners deceased shall not have left Assets sufficient, or in case the Executor or Executors, Administrator or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and empowered to admit any other Person or Persons to be a Proprietor or Proprietors of the Share or Shares of such Owner or Owners deceased, on Condition that he, she or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who may be entitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners in his, her, or their Life-time, by virtue of any Call or Calls or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no such Person or Persons shall be found, who is or are willing to be admitted on such Conditions as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the said Company, in trust for, and for the Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may be sold.

LXXX. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, and their respective Successors, Executors, or Administrators, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein-mentioned; the Transfer of which Shares shall be in the Form or to the Effect following:

Form of Transfer.

"I paid to me by in Consideration of do hereby bargain, sell, assign, and transfer to the said Share of the Navigation, called

' called *The North Wilts Canal*, (being No. of the Shares in
' the ſaid Navigation) To hold to the ſaid or his [*or* her]
' Executors, Adminiſtrators, and Aſſigns, ſubject to the ſame Rules,
' Orders, and Reſtrictions, and on the ſame Conditions that I held the
' ſame immediately before the Execution hereof; and I the ſaid
' do hereby agree to take and accept the ſaid
' Share, ſubject to the ſame Rules, Orders, Reſtrictions, and Conditions.
' As Witneſs our Hands and Seals the Day of
'

And on every ſuch Sale the ſaid Transfer (being executed by the Seller or Sellers, and the Purchaſer or Purchaſers of ſuch Share or Sharee, in the Preſence of One or more credible Witneſs or Witneſſes) ſhall be kept by the ſaid Purchaſer or Purchaſers for his, her, or their Security, after the principal Clerk or Clerks to the ſaid Company of Proprietors ſhall have regiſtered in a proper Book or Books, to be provided by the ſaid Company, and kept for that Purpoſe, a Memorial of ſuch Transfer and Sale, for the Uſe of the ſaid Company, and ſhall have teſtified or endorſed the Regiſtry of ſuch Memorial on the ſaid Tranſfer, for which no more than Two Shillings and Sixpence ſhall be paid; and the ſaid Clerk or Clerks is or are hereby required to regiſter ſuch Memorial accordingly; and until ſuch Memorial ſhall have been regiſtered as above directed, ſuch Purchaſer or Purchaſers ſhall have no Part of the Profits of the ſaid Undertaking, nor any Dividend on ſuch Share or Shares paid unto him or them, or any Vote in reſpect thereof as a Proprietor or Proprietors of the ſaid Undertaking.

Purchaſers to have no Title till the Memorial is regiſtered.

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

After a Call, no Share to be ſold until the Money ſhall be paid.

LXXXII. And whereas much Inconvenience may ariſe by the frequent transfer of the Right and Title to the Shares of and in the ſaid Undertaking, by the Marriage and Death of Proprietors, and it may be difficult in ſuch Caſes to aſcertain to whom the Dividends ariſing or becoming due on ſuch Shares ought to be paid and do belong; be it therefore further enacted, That before any Perſon or Perſons who ſhall claim any Part or Share of the Profits of the ſaid Undertaking, in Right of Marriage, ſhall be entitled to receive the ſame, an Affidavit, containing a Copy of the Regiſter of ſuch Marriage, or the Effect of ſuch Regiſter, ſhall be made and ſworn to by ſome credible Perſons, before One of the Judges of His Majeſty's Courts of Record at *Weſtminſter*, a Maſter or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk or Clerks of the ſaid Company, who ſhall file the ſame, and make an Entry thereof in the Book or Books which ſhall be kept by the ſaid Clerk or Clerks for the Entry of Tranſfers and Sales of Shares in the ſaid Undertaking; and that

Regulations as to the Acquiſition of Shares.

By Marriage.

By Will, or in Course of Administration.

that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk or Clerks, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, shall be made and sworn to by any Executor or Executors of such Will, before One of the Judges of His Majesty's Courts of Record at *Westminster*, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in the Manner herein-

By any other Means.

before mentioned; and that in all Cases other than is herein-before mentioned, where the Right and Property in One or more Share or Shares in the said Undertaking shall pass from the original Proprietor thereof to any other Person or Persons, by any other legal Means than by a Transfer or Conveyance thereof as herein directed, an Affidavit shall be made and sworn to by Two credible Persons, before One of the Judges of His Majesty's Courts of Record at *Westminster*, or a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, stating the Manner in which such Share or Shares hath or have been passed to such other Person or Persons, and such Affidavit shall be transmitted to the Clerk or Clerks of the said Company of Proprietors, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors in the said Undertaking; and that in all of the said Cases it shall and may be lawful for the said Company of Proprietors, at any General or Special Meeting, after Three Calendar Months Notice shall have been given by the said Clerk or Clerks to the Person or Persons claiming to be Owner or Owners thereof, and such Person or Persons shall not have paid his, her, or their Proportion of the Money becoming payable by virtue of any Call or Calls as aforesaid, and after Notice thereof shall have been given Twice, at the Intervals of Three Days between each Advertisement, in a *London* Newspaper or in a *Wiltshire* Newspaper, to declare the same Share or Shares to be forfeited; and in such Case the same shall be and become forfeited, and sold and disposed of in such Manner as the said Company of Proprietors or their Committee of Management shall direct, or otherwise become consolidated in the General Fund of the said Company.

Names of Proprietors, and Number of their Shares, to be entered in a Book, and Certificates delivered to them.

LXXXIII. And, for the better Security of the several Proprietors of the said Undertaking, as to their respective Shares therein; be it further enacted, That the said Company of Proprietors, or their Committee of Management, shall and they are hereby required, at their First or at some subsequent General Meeting, as soon as conveniently may be, to cause the Names and proper Additions of the several Persons who shall be then entitled to any Share or Shares in the said Undertaking, with the Number of Shares which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book or Books to be kept by the principal Clerk to the said Company of Proprietors; and after such Entry made, to cause their Common Seal to be affixed thereto; and every Proprietor requiring the same, may have a Certificate of such Entry for each Share, certified under the Hand or Hands of the Principal Clerk or Clerks to the said Company, on paying to the Clerk Two Shil-

lings and Sixpence, and no more, for every ſuch Certificate, and ſuch Certificate ſhall be admitted in all Courts whatever as Evidence of the Title of ſuch Proprietor, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Share or Shares therein ſpecified; but the Want of ſuch Certificate ſhall not hinder or prevent the Owner or Proprietor of any of the ſaid Share or Shares from ſelling or diſpoſing thereof; and in caſe any ſuch Certificate ſhall become defaced, worn out or damaged, or ſhall be aſcertained to have been loſt or deſtroyed, then and in ſuch Caſe another Certificate ſhall be made out, and delivered by the Clerk, on the ſame Terms and Conditions as aforeſaid.

For the Purpoſe of making Calls, the Perſons whoſe Names ſtand in Company's Books deemed the actual Proprietors.

LXXXIV. And be it further enacted, That the Bodies Politic and Corporate, and all and every Perſon and Perſons whoſe Names ſhall at any Time hereafter ſtand in the ſaid Regiſter Book or Liſt of Proprietors of the ſaid Company of Proprietors, either as a Proprietor or Proprietors of One or more Share or Shares in the ſaid Undertaking, whether as original or future Subſcribers, or as Executors, Adminiſtrators, or Aſſignees of Subſcribers, ſhall be deemed and taken to be the Proprietors of the ſeveral Shares ſtanding in the ſaid Book in their reſpective Names, and ſhall be ſubject and liable to the Payment of all and every Call and Calls made and to be made thereon, and to all Actions, Suits, Forfeitures and Penalties, to which original Proprietors of Shares in the ſaid Undertaking are made ſubject and liable by this Act.

The Company empowered to take Rates and Tolls for Tonnage and Wharfage of Goods, &c.

LXXXV. And be it further enacted, That in Conſideration of the great Charges and Expences which the ſaid Company of Proprietors will be at in making and maintaining the ſaid Canal and other Works hereby authorized to be made, erected, and maintained as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors from Time to Time and at all Times for ever hereafter, to aſk, demand, take and receive, to and for their own Uſe and Benefit, for the Tonnage of all Goods, Wares, Merchandize and Commodities whatſoever, which ſhall be carried or conveyed upon the ſaid Canal or any Part thereof, ſuch Rates, Tolls, and Duties as ſhall be ſettled and fixed by their Committee of Management, at any General Meeting to be held in purſuance of this Act as aforeſaid, not exceeding the reſpective Rates, Tolls and Duties herein-after mentioned; (that is to ſay),

For all Hay, Straw, Dung, Peat and Peat Aſhes, and for all other Aſhes intended to be uſed for Manure, and for all Chalk, Marl, Clay and Sand, and for all Lime intended to be uſed for Manure, and for all other Articles intended to be uſed for Manure, and for all Materials for the Repair of Roads, any Sum not exeeding One Shilling *per* Ton:

For all Coals, Culm, Coke, Cinders, Charcoal, Ironſtone, Pig Iron, Iron Ore, Copper Ore, Lead Ore, Lime (except what ſhall be intended to be uſed for Manure), Limeſtone and other Stone, Bricks and Tiles, any Sum not exceeding Two Shillings *per* Ton:

For all Corn and other Grain, Flour, Malt, Meal, Timber, Bar Iron and Lead, any Sum not exceeding Two Shillings *per* Ton: And,

For all other Goods, Wares, Merchandize and Commodities whatſoever, not before ſpecified, any Sum not exceeding Two Shillings and Sixpence *per* Ton.

Tonnage on Goods, passing from the Thames and Severn Canal to a Wharf in Cricklade, reduced One Half.

LXXXVI. Provided always, That nothing herein contained shall authorize or empower the said Company to take or receive for the Tonnage of Goods, Wares, and Merchandize which shall be carried or conveyed from and out of the *Thames* and *Severn* Canal, into and upon the said intended Canal, to any Wharf or Place in the Line thereof in the Parish of *Cricklade Saint Sampson*, more than One Half of the Rates, Tolls, and Duties herein-before authorized to be received and taken.

Penalty on Persons evading Payment of the higher Tolls.

LXXXVII. Provided also, and be it further enacted, That if any Person or Persons shall claim Right to carry or convey any Articles on the said Canal, on Payment of the lower Rates, Tolls or Duties before mentioned, who shall not be entitled so to do; or shall use or dispose of any of the Articles hereby made liable only to the Payment of such lower Rates, Tolls or Duties, for any other Purposes than those in respect of which such Articles are so made liable only to such lower Rates, Tolls or Duties, and shall be thereof convicted before any Justice of the Peace; every Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors the Sum of Five Pounds, over and above the said Rates and Duties hereby granted, to be levied by Distress and Sale of his, her, and their Goods and Chattels.

For ascertaining the Weight of Timber and light Goods.

LXXXVIII. And, for the better ascertaining of the Tonnage of Timber, and of light Goods to be charged with the Payment of the Rates, Tolls or Duties aforesaid, be it further enacted, That Thirty cubic Feet of round, or Forty cubic Feet of square Oak, Ash, Elm, or Beech Timber, and Fifty cubic Feet of Fir or Deal, Poplar or Birch, not cut into Scantlings, shall be deemed, rated, and estimated as and for One Ton Weight; and that Twenty hundred Weight, of One hundred and twelve Pounds each, for all other Goods, Wares, Merchandizes and Commodities, shall also be deemed, rated, and taken as and for One Ton.

Vessels passing Locks with less than Twenty Tons of heavy Goods to pay for Twenty Tons.

LXXXIX. Provided always, and be it further enacted, That every Boat or other Vessel, the Whole or greater Part of the Cargo of which shall consist of Coal, Timber, Stone, Iron, Manure, or other heavy Articles passing through any Lock or Locks on the said Navigation, with less Lading than Twenty Tons, at any Time or Times when there shall be Water sufficient to enable Boats or other Vessels to pass such Lock or Locks with a Lading or Burthen of Twenty Tons, shall pay to the said Company of Proprietors a Tonnage Rate for Twenty Tons of Lading, in the same Manner as if such Boat or other Vessel had actually on board Twenty Tons of Lading; but if at the Time of such passing there shall not be sufficient Water in such Lock or Locks to enable such Boats or other Vessel to pass through the same with Twenty Tons Weight of Lading, then and in every such Case it shall be lawful for all Boats and other Vessels to pass any such Lock or Locks, on Payment according to the actual Weight of such Lading; provided that such Lading shall not be less than the Water will enable such Boat or other Vessel to carry; any Thing in this Act to the contrary thereof in anywise notwithstanding; but if such Lading shall be less than the Water will enable such Boat or other Vessel to carry, Payment shall be made for the whole Weight of Lading which the Water would enable such Boat or other Vessel to carry.

XC. And

Allowance for Goods remaining upon Wharfs above Forty-eight Hours.

XC. And be it further enacted, That if any Goods, Wares, Merchandize or Commodities whatſoever, which ſhall be ſo carried or conveyed upon the ſaid Canal as aforeſaid, ſhall remain upon any Wharf or Quay belonging to the ſaid Company of Proprietors for above the Space of Forty-eight Hours, then and in ſuch Caſe the ſaid Company of Proprietors ſhall be entitled to have and receive ſuch reaſonable Tolls or Allowance for the Wharfage thereof, over and above the Rates, Tolls and Duties herein-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, Merchandizes or Commodities; and in caſe any Difference or Diſpute ſhall ariſe concerning ſuch Allowance, the ſame ſhall be aſcertained and adjuſted by the Commiſſioners herein-before appointed.

Rates, Tolls and Duties, how to be recovered.

XCI. And be it further enacted, That the Rates, Tolls and Duties hereby authorized to be demanded and taken by the ſaid Company of Proprietors, ſhall be paid to ſuch Perſon or Perſons, at ſuch Place or Places, and in ſuch Manner and under ſuch Regulations, as the Committee of Management ſhall in that Behalf direct and appoint; and in caſe of Neglect or Refuſal to pay any ſuch Rates, Tolls or Duties, or any Part thereof, unto the Perſon or Perſons who ſhall be ſo appointed to receive the ſame as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors to ſue for the ſame, by Action of Debt or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*; or it ſhall be lawful for the Perſon or Perſons to whom ſuch Rates, Tolls or Duties ought to have been paid, and he and they is and are hereby fully authorized and empowered to ſeize and diſtrain the Goods, Wares, Merchandize or Commodities, for or in reſpect of which ſuch Rates, Tolls or Duties ought to have been paid as aforeſaid, or any Part thereof, and the Boat, Barge or other Veſſel laden therewith, and to detain the ſame reſpectively until full Payment ſhall be made of ſuch Rates, Tolls or Duties, and of all Arrears of the ſame which may be then due, from the Owner of ſuch Boat, Barge or Veſſel, to the ſaid Company of Proprietors, together with the reaſonable Coſts and Charges of ſuch Seizure and Diſtreſs; and in caſe ſuch Diſtreſs ſhall not be redeemed within Five Days after the taking thereof, the ſame ſhall and may be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent.

Mode of rating Lands and Buildings.

XCII. And be it further enacted, That the Lands, Dwelling Houſes, Wharfs, Warehouſes, Lockhouſes, and other Houſes of and belonging to the ſaid Company, ſhall be rateable and chargeable to the Maintenance of the Poor, and to all other Parochial Rates and Taxes in the ſeveral Pariſhes and Places where they are reſpectively ſituated, the Lands according to the Quantity and Quality, and the Dwelling Houſes, Wharfs, Warehouſes, Lockhouſes and other Houſes, according to the Nature and reſpective Uſes, Dimenſions and Deſcriptions thereof, and ſhall be charged and aſſeſſed in like Manner as Lands of a like Quality, and Dwelling Houſes, Wharfs, Warehouſes, Lockhouſes, and other Houſes of a like and ſimilar Size, Nature, Dimenſion or Deſcription, in the reſpective Pariſhes where the ſame ſhall be ſituate are or ſhall be aſſeſſed and charged.

XCIII. Provided

Company to unite Canal with the Wilts and Berks Canal at Eastcot, and to erect and maintain Double Stop-gates at or near Junction of the Two Canals.

XCIII. Provided also, and be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and required to join and unite the said intended *North Wilts* Canal with the *Wilts* and *Berks* Canal, at or near *Eastcot*, in the Parish of *Swindon*, upon the same Level as the *Wilts* and *Berks* Canal, and to make the said *North Wilts* Canal, from the Place of its Junction with the said *Wilts* and *Berks* Canal unto the first Lock upon the said *North Wilts* Canal of the same Width and Depth as the said Summit Level of the said *Wilts* and *Berks* Canal; and the said Company of Proprietors shall and will, at their own Costs and Expences, erect and place, and for ever afterwards keep in Repair, at the Junction of the said Two Canals, or within Two hundred Yards thereof, a Double Stop-gate or Stop-gates, to be used as Occasion may require, for the Prevention of Boats, Barges or other Vessels passing from one of the said Canals to the other.

Company to keep the Canal and Works in Repair; and Wilts and Berks Canal Company to appoint an Engineer to inspect the same, and notify Defects;

XCIV. Provided always, and be it further enacted, That the said Company of Proprietors hereby incorporated, shall at all Times for ever hereafter maintain and keep their said Canal, and all the Works belonging thereto, in good Repair and Water-tight, as effectually as can be; and if the same or any Part thereof shall be, or supposed to be, in a decayed or bad State, so as to occasion any Loss of Water, it shall be lawful for the Committee of Management of the said *Wilts* and *Berks* Canal Navigation, and they are hereby authorized and empowered to appoint an Engineer to examine and inspect the State and Condition of the Repairs of the said Canal, and of the Works belonging thereto; and if upon such Inspection and Examination, any Defects or Wants of Repair shall be found, the said Committee of Management of the said *Wilts* and *Berks* Canal are hereby authorized to give Notice thereof, or cause such Notice to be given, to the said Company of Proprietors hereby incorporated, and to require them to repair, amend, and make good the same within a reasonable Time, to be fixed in such Notice; and if the said Company of Proprietors hereby incorporated shall not well and effectually repair and make good such Defects and Wants of Repair, of which Notice shall be given as aforesaid, and within such reasonable Time as shall be fixed for that Purpose as aforesaid, it shall be lawful for the said Company of Proprietors of the said *Wilts* and *Berks* Canal Navigation, and they are hereby authorized to shut the said Stop-gate or Stop-gates, so intended to be erected and placed at the Junction of the said Two Canals, or within Two hundred Yards thereof, and to keep the same shut, so as to prevent the Passage of any Boat, Barge or other Vessel from one Canal to the other until all such Defects and Wants of Repair as aforesaid have been effectually repaired, amended, and made good: And, for the better and more effectually preserving of the Water in the said intended *North Wilts* Canal, the said Company of Proprietors hereby incorporated shall appoint, keep, and maintain Three careful Agents, to attend and take Care of the Locks intended to be made upon the said Canal, which said Three Agents shall be nominated by the Committee of Management of the said *Wilts* and *Berks* Canal, and shall also pay to such Agents their Wages or Salaries, not exceeding Fifty Pounds *per Annum* each; and if such Agents or either of them shall neglect the Duties of their or his Office, or misbehave themselves or himself therein, to the Obstruction or Hindrance of any Boat, Barge or other Vessel navigating the said intended Canal, and shall be thereof convicted,

and in Default of Repairs being made, may stop the Navigation.

To preserve the Water, Agents to be appointed to attend the Locks, and on Neglect of Duty to be fined, &c.

the

he or they ſhall forfeit for every Offence any Sum not exceeding Forty Shillings; and ſuch Agent or Agents ſo offending ſhall, if required by the ſaid Company of Proprietors hereby incorporated, by Notice to be given under the Hand of their Principal Clerk or Agent ſuperintending and managing the Concerns of the ſaid Canal, to the Committee of Management of the ſaid *Wilts* and *Berks* Canal, or their Principal Clerk or Agent, within One Month after ſuch Notices, be diſcharged from his or their Office.

Satisfaction to be made to Wilts and Berks Canal Company for ſupplying intended Canal with Water.

XCV. Provided alſo, and be it further enacted, That the ſaid Company hereby incorporated ſhall make ſuch Allowance and Satisfaction to the Company of Proprietors of the *Wilts* and *Berks* Canal Navigation, for ſupplying the ſaid intended Canal with Water, as ſhall be ſettled and agreed upon between the ſaid Companies; and in caſe they ſhall not agree between themſelves upon the Amount of ſuch Allowance, then that the ſame ſhall be referred to and finally determined by Two Engineers, one to be choſen by the ſaid Company hereby incorporated, and the other by the ſaid Company of Proprietors of the *Wilts* and *Berks* Canal Navigation; or in caſe of Difference between ſuch Engineers then by an Umpire to be choſen by them.

Stop Gates to be placed between the new Canal and the Thames and Severn Canal.

XCVI. And be it further enacted by the Authority aforeſaid, That when and ſo ſoon as the ſaid intended Canal ſhall be made, and before it ſhall be completed, fit or uſed for the Purpoſes of Navigation, the Company of Proprietors hereby created ſhall, at their own Coſts and Charges, cauſe to be made, erected, ſet up and properly fixed, at the Point of Junction of the ſaid intended Canal and the ſaid *Thames* and *Severn* Canal, or within Four Hundred Yards thereof, a ſubſtantial and effectual Double Stop Gate, one Gate of which ſhall open towards the *Thames* and *Severn* Canal, and ſhall be under the direct and abſolute Controul of the *Thames* and *Severn* Canal Company; and if it ſhall at any Time happen that the Water in the ſaid intended Canal ſhall be drawn lower than the Water in the ſaid *Thames* and *Severn* Canal, then it ſhall be lawful for the ſaid Company of Proprietors of the ſaid *Thames* and *Severn* Canal, and they are hereby authorized and empowered to cauſe the ſaid Stop Gate or Stop Gates to be ſhut, and to prevent the Paſſage of all Boats, Barges and other Veſſels whatſoever, from either of the ſaid Canals to the other, until the Water in the ſaid intended Canal ſhall riſe as high as the Water in the ſaid *Thames* and *Severn* Canal.

Maſters of Boats, &c. to render Account of Goods on board to Collectors of Tolls, under Penalty.

XCVII. And, for the better aſcertaining and more eaſy collecting of the ſaid Tolls or Rates, be it further enacted, That the Maſter, Owner, or other Perſon having the Care of every Boat, Barge, or other Veſſel navigating upon the ſaid Canal or any Part thereof, ſhall from Time to Time give in a true and juſt Account in Writing, ſigned by him, to the Collector or Collectors of the ſaid Tolls, Rates, or Duties, and to ſuch other Perſon or Perſons as ſhall be appointed by the Committee of Management, at the Place or Places where they ſhall attend for that Purpoſe, of the ſeveral Quantities, Qualities, and Weight of the Goods, Wares, Merchandize, or Commodities contained in every ſuch Boat, Barge, or other Veſſel, and of the Place from whence brought, and where intended to be landed or carried; and alſo of the Quantities, Qualities, and Weight

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

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

XCVIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Tolls, Rates, or Duties, and the Master or Person having Charge of any Boat, Barge, or other Vessel, or the Owners of any Goods, Wares, Merchandizes or other Commodities on board thereof, concerning the Weight or Quantity of any such Goods, Wares, Merchandizes, or Commodities; it shall be lawful for any such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, all such Goods, Wares, and Merchandize as shall be therein contained; and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than such Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, affirmed or stated the same to be, then the said Master, Owner, or other Person having the Care of such Boat, Barge, or other Vessel, shall pay the Costs and Charges of such weighing, measuring, and gauging; and such Costs and Charges, in case of Refusal of Payment thereof on Demand, shall and may be levied and recovered in the same Manner as the said Tolls, Rates, or Duties are hereby appointed to be levied and recovered; but if such Goods, Wares, and Merchandizes shall appear to be of the same Weight or Quantity, or of a less Weight and Quantity than the said Master, Owner, or other Person, declared the same to be, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master, Owner, or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or Commodities, such Damages as shall appear to the aforesaid Commissioners, on the Oath of one or more credible Witness or Witnesses, to have arisen from such Detention; and in Default of immediate Payment thereof by such Collector, the same shall be recovered from the said Company of Proprietors by Distress and Sale of their Goods and Chattels, by Warrant under the Hands and Seals of the said Commissioners, or otherwise by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Navigation to be free on Payment of the Tolls.

XCIX. And be it further enacted, That all and every Person and Persons shall have free Liberty, with Boats, Barges, and other Vessels, to navigate, pass upon, and use the said Canal, for the Purpose of conveying any Goods, Wares, Merchandize, or Commodities whatsoever thereupon;

and also to use the said Wharfs, Quays, and Landing Places for the loading or unloading of any Goods or other Things; and the Towing Paths for the hauling and drawing of such Boats, Barges, and other Vessels, on Payment of such Rates, Tolls, and Duties for the same as shall be demanded by the said Company of Proprietors, not exceeding the several Rates, Tolls, and Duties herein-before mentioned, and subject always to the Rules, Orders, Bye Laws, and Regulations, which shall from Time to Time be made by the Committee of Management, by virtue of the Power herein-before given in that Behalf.

The Company may from Time to Time vary the Tolls.

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

Navigation not to be subject to Commissioners of Sewers.

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

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

CII. And, for the better regulating of the Masters or Owners of Boats, and the Bargemen and others employed by or under them respectively, and for the more easy detecting of any Thing to be done by them contrary to the Directions of this Act; be it further enacted, That every Owner, Master or Person having the Charge or Command of any Boat, Barge, or other Vessel (not being a Pleasure Boat) navigating and passing upon the said Canal, shall cause his or her Name and Place of Abode, and the Name or Number of his or her Boat, Barge, or other Vessel, to be entered with some one of the Clerks of the said Company of Proprietors; and shall also cause the Name of such Owner or Owners, and the Name or Number of such Boat, Barge, or other Vessel, to be painted in large White Capital Letters and Figures, on a Black Ground, Four Inches high at least, and of proportionable Breadth, on the Outside of the Head or Stern of every such Boat, Barge, or other Vessel, so high that no Part of such Letters or Figures shall be under Water when such Boat, Barge, or other Vessel shall be full laden; or in such other Manner as the Committee of Management for the Time being shall direct; and as often as such Name or Number shall become defaced, shall cause the same to be re-painted in Manner aforesaid; and that every Owner, Master, or Person having the Charge or Command of any such Boat, Barge, or other Vessel, shall from Time to Time, when thereto required, permit and suffer the same to be gauged and measured by such Person or Persons as shall be appointed for that Purpose by the said Company of Proprietors, or their Committee of Management, so that no such Boat, Barge, or other Vessel shall be gauged or measured more than Four Times in any one

Boats, &c. to be gauged.

and a Certificate of such Measure, &c. always to go therewith.

one Year; and that the Person or Persons so to be appointed to gauge and measure any such Boat, Barge, or other Vessel, shall from Time to Time register or enter in a Book to be provided and kept for that Purpose, a Memorandum of the Measurement thereof, and all Particulars relating thereto; and shall also thereupon deliver to the Owner, Master, or Person, having the Charge or Command of such Boat, Barge, or other Vessel, a Certificate in Writing, specifying the Measure thereof, and what Quantity of Water the same will draw with different Burthens or Ladings; which Certificate shall always go with such Boat, Barge, or other Vessel, and shall from Time to Time be produced and shewn by the Owner, Master, or other Person having the Charge or Command thereof, to the several Collectors of the Tolls, Rates, and Duties granted by this Act, who shall require or demand to see the same, in order that the true Weight of the Lading on board every such Boat, Barge, or other Vessel may be the more easily known and ascertained by such Collectors; and that every Owner, Master, or other Person, having the Charge or Command of any Boat, Barge, or other Vessel, who shall navigate such Boat, Barge, or other Vessel upon the said Canal without having such Names, Marks, and Figures thereon as herein-before directed, or shall alter, erase, deface, or destroy the same, or any Part thereof, or shall put any false Names, Marks, or Figures on such Boat, Barge, or other Vessel, or who shall refuse to permit such Boat, Barge, or other Vessel to be gauged or measured as aforesaid, or who shall not produce such Certificate as aforesaid when thereunto required by any such Collector or Collectors as aforesaid; or who shall cause or permit such Boat, Barge, or other Vessel to be at any Time loaded or unloaded without a Stage being laid from the Side of such Boat, Barge, or other Vessel to the Bank of the said Canal, in order to prevent any Dirt or Rubbish falling into the same; shall for every such Offence respectively forfeit and pay to the said Company of Proprietors any Sum not exceeding Forty Shillings.

Penalty on Neglect or Refusal, &c.

Owners of Boats answerable for Damage done by their Boats, Horses, or Servants.

CIII. And be it further enacted, That the Master or Owner of every Boat, Barge, or other Vessel, navigating or passing upon the said Canal, shall be and he is hereby made answerable for all such Damage, Spoil, or Mischief, as shall be done by his Boat, Barge, or Vessel, or the Horses used in drawing the same, or by any of the Boatmen, Watermen, or other Persons belonging to or employed in or about the same respectively, to any of the Bridges, Weirs, Locks, Dams, Engines, Trenches Sluices, or other Works, in, upon, or belonging to the said Canal, either by their loading or unloading of any such Boat, Barge, or other Vessel, or by any other Means whatsoever; and also for any Damage that shall or may be done by any such Boatmen, Watermen, or other Persons, to the Owners or Occupiers of any Buildings, Lands, or Tenements adjoining or lying near the said Canal, by leaving open Gates or otherwise, and for any other Trespass whatsoever, contrary to the several Directions and Restrictions in this Act contained, or any of them, or to the Rules, Orders, Bye Laws, and Regulations, which shall from Time to Time be made by the Committee of Management for the Time being, such Trespass or Damage to be ascertained and recovered in like Manner as any Penalty can or may by virtue of this Act be ascertained and recovered; and if the Owner or Owners of any Boat, Barge, or other Vessel, navigating or passing on the said Canal, shall be compelled to make Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default,

Owners of Boats may recover from Servants what

Default, of his, her, or their Servant or Servants, Boatmen, or Watermen, then and in such Case every such Servant, Boatman, and Waterman, shall be liable to repay such Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Non-payment thereof upon Demand, the same shall be recovered in like Manner as any Penalty can or may by virtue of this Act be recovered.

shall be paid for Damages done by them.

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

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

CV. And be it further enacted, That no Boatman or other Person navigating or having the Care of any Boat, Barge, or other Vessel, which shall pass through any Lock to be made upon the said Canal, shall suffer the Water to remain in such Lock longer than is necessary for his Boat, Barge, or other Vessel, to pass through the same; and that every such Boatman or other Person as aforesaid, in going down the said Canal, from the Summit Level thereof, shall previously to his bringing his Boat, Barge, or other Vessel into any Lock, shut the lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Sluices of the upper Gates thereof; and after he shall have brought his Boat, Barge, or other Vessel into the said Lock, he shall then shut the upper Gates thereof, and the Sluices thereto belonging, before he shall draw the Sluices of the lower Gates thereof; and in going up the said Canal towards the Summit Level thereof, such Boatman or other Person shall, as soon as he shall have passed his Boat, Barge, or other Vessel out of the said Lock, shut the upper Gates thereof, and the Sluices thereto belonging, and afterwards draw the Sluices of the lower Gates thereof, unless there shall be then a Boat, Barge, or other Vessel in Sight of the said Lock, coming down the said Canal; in which case the lower Gates of the said Lock, and the Sluices thereof, shall be left shut, and the upper Gates shall be left open; and at all Times the Vessels going up the said Canal, if within sight of any Vessel coming down, and at a Distance not exceeding Three hundred Yards below any Lock, shall pass through such Lock before the Vessel coming down, and then the Vessel above such Lock shall come down, and if there shall be more Vessels than one below and above any Lock at the same Time, within the Distance aforesaid (at which Distance a Post or Mark shall be set up and made for ascertaining the same), such Vessels shall go up and come down through such Lock, by Turns as aforesaid, until all the Vessels going up and coming down shall have passed the same, in order that one Lock full of Water may serve Two Vessels; but if there shall not at any Time be Three Feet Nine Inches in Depth of Water upon the upper Sill of the upper Lock, then and in such case the Agent of the said Company shall have Power

Regulation for Boats in passing the Locks.

and he is hereby authorized to ſtop and detain all ſuch Veſſels until there be Three Feet Nine Inches in Depth of Water upon ſuch Sill, any Thing herein contained to the contrary notwithſtanding; and that every Perſon who ſhall offend in any of theſe Particulars, ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds, for the Uſe of the ſaid Company of Proprietors.

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

CVI. Provided always, and be it further enacted, That no Boat, Barge, or other Veſſel liable to pay any Tonnage under this Act, of leſs Burthen than Twenty Tons, ſhall paſs through any of the Locks to be made by virtue of this Act, without the Conſent in Writing of the Agent appointed by the Committee of Management to the ſaid Company of Proprietors, unleſs the Owner, Maſter, or other Perſon having the Care of ſuch Boat, Barge, or other Veſſel, ſhall pay the ſame Tonnage as for a Boat, Barge, or Veſſel of Twenty Tons Burthen laden with the ſame Kind of Goods.

But Two Boats capable of carrying Twenty Tons, and of paſſing together, may paſs Locks.

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

Boats, &c. obſtructing the Navigation, to be removed.

CVIII. And be it further enacted, That if any Boat, Barge, or other Veſſel ſhall be placed in any Part of the ſaid Canal, or of the Trenches, Sluices, or Paſſages belonging thereto, ſo as to obſtruct the Navigation or Paſſage thereon, and the Perſon having the Care of ſuch Boat, Barge, or Veſſel ſhall not immediately remove the ſame, or alter the Poſition thereof, on Requeſt made for that Purpoſe, he ſhall for every ſuch Offence forfeit any Sum not exceeding Ten Shillings, and ſhall moreover forfeit any Sum not exceeding Five Shillings for every Hour during which ſuch Obſtruction ſhall continue after ſuch Requeſt for Removal thereof ſhall have been made as aforeſaid; and that it ſhall be lawful for any of the Collectors, Agents, or Servants of the ſaid Company of Proprietors, to cauſe any ſuch Boat, Barge, or other Veſſel to be unladen, if neceſſary, and to be removed in ſuch Manner as ſhall be requiſite for preventing any further Obſtructions therefrom; and to ſeize and detain ſuch Boat, Barge, or other Veſſel, and the Lading thereof, or any Part of ſuch Lading, until the ſaid Penalty or Penalties, and the Charges of ſuch Unlading and Removal, ſhall be paid; and that if any Boat, Barge, or other Veſſel ſhall be ſunk in any Part of the ſaid Canal, and the Owner or Owners, or Perſon having the Care of ſuch Boat, Barge, or Veſſel, ſhall not, without Loſs of Time, weigh or draw up the ſame, it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors, or any of them, to cauſe ſuch Boat, Barge, or Veſſel to be weighed or drawn up, and to detain and keep the ſame until Payment ſhall be made of all the Expences thereby neceſſarily incurred or occaſioned.

Boats ſunk to be weighed up.

Penalty on Perſons taking in and

CIX. And be it further enacted, That if any Perſon or Perſons navigating or having the Care of any Boat, Barge, or other Veſſel upon the ſaid Canal, or any Part thereof, ſhall, with Intent to avoid the Payment of

of any of the said Tolls, Rates, or Duties, load, unload, or take into any such Boat, Barge, or other Vessel, any Goods, Wares, Merchandizes, or Commodities whatsoever, liable to pay any of the Tolls, Rates, or Duties herein-before mentioned, at any other Place or Places than at the public or private Wharfs or Quays upon or belonging to the said Canal, without having first obtained a Consent in Writing for that Purpose from the Committee of Management, or some one of the Agents or Collectors of the Tolls to the said Company of Proprietors, or if any Person shall do any other Act with Intent to evade the Payment of any of the Tolls, Rates, or Duties, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

unloading Goods, unless at public or private Wharfs.

CX. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal, without the Consent of the Committee of Management, or of some Collector or Agent to the said Company of Proprietors, or shall navigate on the said Canal any Boat, Barge, or other Vessel laden with Timber which shall lie over the Sides of such Boat, Barge, or other Vessel in such Way as to obstruct the Passage of any other Boat, Barge, or other Vessel, and shall not, immediately upon Notice given of such Obstruction, haul or draw back such Boat, Barge, or other Vessel into such Place or Places as shall be made or be proper for Boats, Barges, or other Vessels to pass each other, or shall not otherwise remove the same so as to make a free Passage for other Boats, Barges, or other Vessels; or if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing, into any Part of the said Canal, or into any Trenches, Sluices, or Passages for Water to be made in pursuance of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalties on Persons floating Timber on Canal, or otherwise obstructing the Navigation; and Persons throwing Ballast or Rubbish into Canal.

CXI. And be it further enacted, That if any Person or Persons shall wantonly or unnecessarily open, or cause to be opened, any Lock, Paddle, Valve, or Clough, belonging to the said Canal, or any of the Works thereto belonging, or when necessarily emptying a Lock for the Purpose of passing into or entering the same, shall neglect to shut the top Gate or Gates thereof, and the Paddles, Valves, or Cloughs thereto belonging, before he shall draw the Paddles, Valves, or Cloughs of the bottom Gate thereof, or any of them; or shall suffer any Boat, Barge, or other Vessel to strike or run upon any of the Bridges or Locks thereof, or shall flush or draw, or cause to be flushed or drawn off, the Water from any Part of the said Canal; or shall leave any Gate or Gates, Paddle, Valve, or Clough of any Lock, open and running, after any Boat, Barge, or other Vessel shall have passed through the same (except in such Cases as are otherwise ordered); or shall draw or cause to be drawn any Paddle, Valve, or Clough on the said Navigation, so as to mis-spend or waste the Water thereof; or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds over and above any Damage sustained by the said Company.

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

CXII. And be it further enacted, That no Boat, Barge, or other Vessel having on board any Pole, Shaft, or Instrument used or to be used in punting or navigating such Boat, Barge, or other Vessel, pointed or spiked with

Penalty on having on board Shafts pointed with Iron.

with Iron or otherwiſe, of leſs Area at each End thereof than Ten Square Inches, ſhall paſs along any Part of the ſaid Canal; and it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors to ſeize ſuch Poles, Shafts, or Inſtruments, in caſe they ſhall be found on board of any ſuch Boat, Barge, or other Veſſel, and the Maſter, Owner, or Perſon having the Care of ſuch Boat or Veſſel, ſhall forfeit any Sum not exceeding Five Pounds for every ſuch Pole, Shaft, or Inſtrument found on board his Boat or Veſſel.

Penalty on Perſons wilfully damaging the Canal.

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

Lords of Manors and others may erect Wharfs on their own Lands.

CXIV. And be it further enacted, That it ſhall be lawful for the Lord or Lords, or Owner or Owners, of any Manors, Lands, or Grounds through which the ſaid intended Canal ſhall be made, to make, erect, and ſet up, either for his, her, or their own private Uſe, or for the Uſe of the Public, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon his, her, or their reſpective Waſtes, Lands or Grounds adjoining or near to the ſaid Canal, and to make and lay out proper Ways and Roads to the ſame, acroſs any Lands between the ſame and the next Highway, and to land any Goods or other Things upon ſuch Wharfs, Quays, or Landing Places, but ſo as not to lay any Thing within Six Feet of the Surface of the Water of the ſaid Canal when full; and alſo to make and uſe proper and convenient Places for Boats, Barges, and other Veſſels to lie in, turn, and paſs each other, ſo that the making or uſing thereof reſpectively do not obſtruct or prejudice the Navigation of the ſaid Canal, or the Paſſage on the Towing Paths on the Sides thereof; and that all Rates or Tolls which ſhall be demanded and paid for the Uſe of ſuch of the ſaid Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes reſpectively, as ſhall be erected for the Uſe of the Public, ſhall be and the ſame are hereby accordingly veſted in the Lord or Lords, or Owner or Owners, of ſuch Manors, Lands, or Grounds, who ſhall make and erect ſuch Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes as aforeſaid, and his, her, or their reſpective Heirs and Aſſigns, ſo that the Rates, Tolls, and Duties hereby granted to the ſaid Company of Proprietors for Tonnage be not thereby reduced or altered.

But if they refuſe, when required by the Company, then the Company may erect the ſame.

CXV. And be it further enacted, That if any ſuch Lord or Lords, Owner or Owners, ſhall not, within the Space of Three Calendar Months next after Notice in Writing ſhall be given to him, her, or them, or left at his, her, or their uſual Place or Places of Abode, by or on the Behalf of the ſaid Company of Proprietors, ſtating that any Part or Parts of his, her, or their Waſte Lands or Grounds, is or are neceſſary or proper for erecting and making any public Wharfs, Quays, Landing Places, Cranes,

Cranes, Weigh Beams, or Warehouſes, or for the making and laying out of any Road or Roads for the Conveyance of Goods to or from the ſaid Canal, make, erect, and lay out, and from Time to Time maintain and keep in good and ſubſtantial Repair, ſuch proper and ſufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams, Warehouſes and Roads, for the Uſe of the Public, as the Committee of Management ſhall judge neceſſary, on the reſpective Part or Parts of the Waſtes, Lands or Grounds to be deſcribed in ſuch Notice, then and in ſuch Caſe the ſaid Company of Proprietors or Committee of Management, ſhall have full Power and Authority, without any Hindrance or Reſtraint whatſoever, to take and make uſe of ſuch Part or Parts of ſuch Waſtes, Lands or Grounds, for erecting and building proper and ſufficient Wharfs, Quays, Landing Places, Cranes, Weigh Beams and Warehouſes, and for making and laying out neceſſary and convenient Roads to and from the ſaid Canal, agreeably to ſuch Notice as aforeſaid, or to repair ſuch as have been made by the Owners, provided the Committee of Management aforeſaid think it neceſſary, they the ſaid Company of Proprietors firſt making Satisfaction for the ſame, in ſuch Manner as is herein-before directed with reſpect to any other Lands or Grounds which ſhall be taken or uſed by the ſaid Company of Proprietors for the Purpoſes of this Act: Provided always, that no more than the Sum of Three-pence *per* Ton ſhall be demanded or taken by any Lord or Lords, Owner or Owners, who ſhall make, erect, or build any Wharfs, Quays, Warehouſes or Landing Places, and make or lay out any ſuch Roads for the Uſe of the Public as aforeſaid, for the Wharfage or Warehouſe Room of any Coals, Culm, Limeſtone, Clay, Iron, Slates, Ironſtone, Lead Ore, or any other Ores, Timber, Stone, Bricks, Tiles, Gravel, Hay, Straw, Corn in the Straw, or Manure whatſoever, which ſhall be placed upon any ſuch Wharfs, Warehouſes, or Quays, and continue thereupon for any Time not exceeding One Calendar Month, nor more than Two-pence *per* Ton, for the Wharfage or Warehouſe Room of any other Goods, Wares, Merchandize or Commodities whatſoever, which ſhall be placed upon any ſuch Wharfs, Warehouſes or Quays, and continue thereon for any Time not exceeding Six Days; but if any of the Articles before ſpecified, or any other Goods, Wares, Merchandize or Commodities, ſhall be left and remain upon any ſuch Wharfs, Warehouſes or Quays, for any Time over and above the Time before limited for the ſame reſpectively, then the Owner or Owners thereof ſhall pay to the Proprietors of ſuch Wharfs, Quays, Warehouſes or Landing Places reſpectively, the further Sum of One Penny *per* Ton for every Day which the ſame ſhall remain upon ſuch Wharfs or Quays after the Expiration of the Time before limited for the ſame reſpectively.

Regulations reſpecting private Wharfs.

CXVI. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to erect or otherwiſe provide any Warehouſes or other Buildings for the depoſiting or keeping of any Goods, Merchandize, or other Things carried or conveyed, or intended to be carried or conveyed upon the ſaid intended Canal, or for an Office or Offices for tranſacting the Buſineſs of the ſaid Company therein, at any Diſtance from the ſaid Canal which they ſhall judge neceſſary or convenient; and for that Purpoſe the ſaid Company may and are hereby authorized and empowered to purchaſe, leaſe, or hire any Ground or Buildings where they ſhall think proper, provided the Owners and Proprietors of and other

Power to provide Warehouſes at a Diſtance from the Canal.

Perſons intereſted in ſuch Grounds or Buildings, or the Guardians, Committees or Truſtees of ſuch of them as ſhall be under any Diſability or Incapacity of acting for themſelves, ſhall be conſenting to ſell or let the ſame, and which Conſent they are hereby reſpectively authorized and empowered to give, but not otherwiſe.

Company not to make a Wharf in Purton Pariſh without Conſent of Lord Redeſdale, &c.

CXVII. Provided alſo, and be it further enacted, That no Wharf or Landing Place ſhall be made by the ſaid Company of Proprietors on the Line of the ſaid intended Canal at a certain Place called *The Croſs Lanes*, in the Pariſh of *Purton*, or elſewhere in that Pariſh, without the Conſent in Writing of the Right Honourable Lord *Redeſdale*, *Diana Mary Barker* and *James Wyld* Eſquire, or their reſpective Heirs or Aſſigns, or the Perſon or Perſons who for the Time being ſhall be entitled to the Eſtates belonging to the ſaid Lord *Redeſdale*, *Diana Mary Barker* and *James Wyld* reſpectively, in the Pariſh of *Blunſdon Saint Andrew*, in the County of *Wilts*.

Agents, Collectors, &c. to give Poſſeſſion of Houſes, &c. when removed.

CXVIII. And be it further enacted, That if any Agent, Toll Collector, Wharfinger, Lock-keeper, or other Servant of the ſaid Company, occupying any Houſe, Offices or Buildings belonging to the ſaid Company of Proprietors, without paying Rent for the ſame, ſhall be diſcharged from his Office by or by the Order of the ſaid Company or Committee of Management, and ſhall not deliver up the Poſſeſſion of ſuch Houſe, Offices, Buildings and Appurtenances, together with the Books, Papers, and other Matters and Things belonging to the ſaid Company, in his Cuſtody, Power or Poſſeſſion, within Fourteen Days next after Notice of ſuch Diſcharge ſhall be given to him, or left at ſuch Houſe, Offices, or Buildings; or if the Wife or Family of any ſuch Agent, Toll Collector, Wharfinger, Lock-keeper or other Servant, who ſhall happen to die while in the Service of the ſaid Company, ſhall refuſe to deliver up the Poſſeſſion of ſuch Houſe, Offices, Buildings and Appurtenances as aforeſaid, together with the Books, Papers, and other Matters and Things belonging to the ſaid Company, in his, her, or their Cuſtody, Power or Poſſeſſion, within Fourteen Days after another Perſon ſhall have been appointed in the Place and Stead of the Perſon ſo dying, then and in either of the ſaid Caſes it ſhall be lawful for any Juſtice of the Peace for the County where ſuch Houſe, Offices and Buildings ſhall be, and he is hereby required, by Warrant under his Hand and Seal, to order the Conſtable or other Peace Officer, with ſuch Aſſiſtance as ſhall be neceſſary, to enter ſuch Houſe, Offices and Buildings in the Day-time, and to remove the Perſons who ſhall be found therein, together with their Goods and Chattels, out of ſuch Houſe, Offices and Buildings, and to take Poſſeſſion of all the Books, Papers, Matters and Things belonging to the ſaid Company, which ſhall be found therein, and to deliver Poſſeſſion of ſuch Houſe, Offices and Buildings, together with the Books, Papers, Matters and Things found therein, belonging to the ſaid Company, to the new appointed Agent, Toll Collector, Wharfinger, Lock-keeper or other Servant, or to ſuch other Perſon or Perſons as the ſaid Company or their Committee of Management ſhall appoint to receive the ſame.

Right of Fiſhery reſerved to Lords of Manors, &c.

CXIX. And be it further enacted, That the Lord or Lords, or Owner or Owners, of all and every the Manor and Manors through which the ſaid Canal ſhall be made, ſhall have and be entitled to the Right of Fiſhery of and in ſo much of the ſaid Canal as ſhall be made

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

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

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

Recovery of Penalties.

CXXI. And be it further enacted, That all Complaints and Informations of Offences againſt this Act, or any Rule, Order, or Bye Law to be made in purſuance hereof (except in Caſes where the Manner of hearing and determining the ſame is herein-before otherwiſe directed) ſhall and may be made before any Juſtice of the Peace for the County of *Wilts*, or Place wherein the Offence ſhall be committed, and ſuch Juſtice is hereby authorized and empowered to take Cognizance thereof, and to ſummon the Perſon or Perſons complained of to appear before him; and on the appearing or not appearing of ſuch Perſon or Perſons purſuant to ſuch Summons, to hear the Matter of every ſuch Complaint and Information by Examination of any Witneſs or Witneſſes on Oath, and to make ſuch Determination therein as ſuch Juſtice ſhall think proper; and on the Conviction of any ſuch Perſon, ſuch Juſtice ſhall and may iſſue a Warrant under his Hand and Seal for levying the Fine, Penalty, or Forfeiture by virtue of this Act impoſed for ſuch Offence, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo convicted; and all ſuch Fines, Penalties, and Forfeitures, when recovered, after rendering the Overplus (if any) when demanded, to the Owner of ſuch Goods and Chattels, the Charges of ſuch Diſtreſs and Sale being firſt deducted, ſhall (where the Application

Application is not otherwiſe directed by this Act) be paid into the Hands of the Treaſurer of the ſaid Company of Proprietors, and ſhall be applied and diſpoſed of towards defraying the Expences of the ſaid Navigation and Undertaking; and in caſe ſufficient Goods or Chattels of any Perſon liable to pay any ſuch Fine, Penalty, or Forfeiture cannot be found whereon to make ſuch Diſtreſs, and ſuch Fine, Penalty, or Forfeiture ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice, and he is hereby authorized and required, by a Warrant under his Hand and Seal, to commit ſuch Offender to the Common Gaol or Houſe of Correction for any Time not exceeding Two Calendar Months, unleſs ſuch Penalty or Forfeiture, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

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

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* was convicted before me *C. D.* one of His Majeſty's Juſtices of the Peace for the County of [*ſpecifying the Offence, Time, and Place when and where the ſame was committed.*] Given under my Hand and Seal the Day and Year aforeſaid.'

Perſons taking a Diſtreſs irregularly, not to be deemed Treſpaſſers ab initio.

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

Proceedings not to be quaſhed for Want of Form.

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

Appeal given to the Quarter Seſſions.

CXXV. Provided always, and be it further enacted, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order or Judgment made or given in purſuance of any Rule, Bye-Law, or Order of the ſaid Company of Proprietors, or by the Order or Determination of any Juſtice or Juſtices of the Peace in purſuance of this Act, may within Three Calendar Months after ſuch Order ſhall be made or given, appeal to the Juſtices of the Peace at the General or Quarter Seſſions of the Peace to be held in and for the County, City, or Place, where the Cauſe of Appeal ſhall ariſe, firſt giving Twenty-one Days

Notice

Notice of such Appeal, to the Person or Persons appealed against, and of the Nature and Matter thereof, and within Seven Days after such Notice entering into a Recognizance before some Justice of the Peace for such County, City, or Place, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereon; and the said Justices shall, in a summary Way, hear and determine the said Appeal at such General or Quarter Sessions of the Peace to be held for such County, City, or Place, or, if they think proper, adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for such County, City, or Place, and the said Justices may make such Determination in such Appeal, and award such Costs to either of the Parties as they shall judge proper; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye-Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured as they shall judge reasonable.

Limitation of Actions.

CXXVI. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons, for any Thing to be done by him or them in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions herein-before given and granted, every such Action or Suit shall be brought or commenced within Three Calendar Months next after the Fact committed; or in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing of such Damage shall have ceased, and not afterwards, and shall be laid or brought in the County where the Matter in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any such Action or Suit shall be brought after the Time hereby limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in such Case the Jury shall find for the Defendant or Defendants; and in such Case also, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared thereto, or if any Verdict shall pass upon the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise, Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the Recovery of the same, as any Defendant or Defendants hath or have for Costs in other Cases by Law.

General Issue.

Treble Costs.

For compelling Payment of Subscriptions.

CXXVII. And be it further enacted, That the several Persons who have subscribed or shall subscribe any Money for carrying this Act into Execution, shall and they are hereby required to pay their respective Subscriptions to the Treasurer or Treasurers of the said Company; and in Default thereof it shall be lawful for the said Company to sue for and recover the same by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Public Act.

CXXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially tak n Notice of as such by all Judges, Justices, and others, without being specially pleaded.

The

The SCHEDULE referred to by the foregoing Act.

Numbers on the Plan.	OWNERS.	OCCUPIERS.	DESCRIPTION.
		Parish of PURTON.	
37.	William Warman, Lord of the Manor	John Packer	Cart-house or Hovel on the the Common or Waste at the Priory.
42.	Do.	William Blake	Garden, an Encroachment from the Common or Waste.
43.	Do.	Ann Newman	Do.
44.	Do.	William Grey	Do.
45.	Do.	John Daniel	Do.
46.	Do.	Jacob Skinner	Do.
47.	Do.	Richard Skinner	Do.
48.	Do.	James Skinner	Do.
49.	Do.	William Hervey	Do.
50.	Do.	Edward Johnson	Do.
51.	Do.	James Newman	Do.
63.	Do.	Robert Collier	Do.
64.	Do.	William Clark	Do.
65.	Lord Shaftsbury	Samuel Sadler	Stalls
		Parish of CRICKLADE SAINT SAMPSON, Tything of Great and Little Chelworth.	
66.	Thomas Hull	In hand	Cart-house or Hovel.
86.	Joseph Pitt, Esq. Lord of the Manor	James Thomas	Garden, an Encroachment from the Common or Waste,
87.	Do.	Edward Barnes	Do.
89.	Robert White	Abraham Golding	Orchard.
90.	Joseph Pitt, Esq. Lord of the Manor	William Haynes	Garden, an Encroachment from the Common or Waste.
91.	Do.	Thomas Dibbins	Do.
92.	Do.	William Johnson	Do.
93.	Do.	Thomas Price	Do.
94.	Do.	William Forster	Do.
95.	Do.	Zachariah Giles	Do.
96.	Do.	Joseph Matthews	Do.
97.	Do.	Henry Smart	Do.
99.	Do.	John Smith	Do.
100.	Do.	William Folkes	Do.
101.	Do.	William Simmonds	Do.
102.	Do.	Edward Little	Do.
103.	Do.	Nathaniel Ricks	Do.
104.	Do.	Robert Clark	Do.
105.	Do.	Richard Simmons	Do.
106.	Do.	Isaac Gee	Do.
107.	Do.	John Wood	Do.
109.	Do.	Richard Hinton	Do.

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