ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 181.

An Act for altering and amending an Act made in the Twenty-third Year of the Reign of His present Majesty, for making and maintaining the *Thames* and *Severn Canal* Navigation.

[2d *July* 1813.]

WHEREAS by an Act passed in the Twenty-third Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Navigable Canal from the River* Thames *or* Isis, *at or near* Lechlade, *to join and communicate with the* Stroudwater Canal *at* Wallbridge, *near the Town of* Stroud, *and also a Collateral Cut from the said Canal at or near* Siddington, *to or near to the Town of* Cirencester, *in the Counties of* Gloucester *and* Wilts, certain Persons therein named, and their Successors, were incorporated by the Name and Style of "The "Company of Proprietors of the *Thames* and *Severn Canal* Navigation," with Powers to make and maintain the said Navigation and other Works in the said recited Act mentioned: And whereas another Act passed in the Thirty-first Year of the Reign of His present Majesty, intituled *An Act to enable the Company of Proprietors of the* Thames *and* Severn Canal *Navigation to borrow a further Sum of Money to complete the said Navigation*: And whereas another Act passed in the Thirty-fixth Year of the Reign of His present Majesty, intituled *An Act to enable the Company of Proprietors of the* Thames *and* Severn Canal *Navigation to raise a certain Sum of Money for discharging some Arrears of Interest and other Debts relating thereto, and to maintain and support the said Navigation*: And whereas another Act passed in the Forty-ninth Year of the Reign of His present Majesty, intituled *An Act for altering, amending, and enlarging the Powers* 23 G. 3. c. 38. 31 G. 3. c. 67. 36 G. 3. c. 34. 49 G. 3. c. 112.

of several Acts for making and maintaining the Thames *and* Severn Canal *Navigation*: And whereas it is expedient that certain of the Powers and Provisions of the said Act of the Twenty-third Year of the Reign of His present Majesty should be altered, and that additional Powers should be given to the said Company of Proprietors of the *Thames* and *Severn Canal* Navigation: And whereas the making and maintaining a Dock or Bason from and out of the said *Thames* and *Severn Canal* at or near a Place called *Weymoor Bridge*, in the Parish of *Latton*, in the County of *Wilts*, will be advantageous to the Company of Proprietors established by the said Act, and of great public Utility: 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 it shall and may be lawful to and for the said Company of Proprietors of the *Thames* and *Severn Canal* Navigation, and they are hereby authorized and empowered to dig and make or cause to be dug or made an additional Dock or Bason for Boats, Barges, and other Vessels, with proper Towing-paths, Quays, Wharfs, Warehouses, Engines, and other necessary Works from and out of their said Canal in the Parish of *Latton*, in the County of *Wilts*, at a Place called *Weymoor Bridge*, in the Parish of *Latton*, in the same County, as the said Proprietors shall think necessary or requisite, in like Manner and under the like Powers, Provisions, Regulations, Restrictions, and Conditions as are contained in the said Act passed in the Twenty-third Year of the Reign of His present Majesty, any Thing therein contained to the contrary thereof in any wise notwithstanding; and that all and every the Powers given and established by the said Act, empowering and enabling the said Proprietors to set out, ascertain, and purchase any Lands, Tenements, and Hereditaments, and also for enabling all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust, Committees, Executors, and Administrators, to contract for, sell, and convey unto the said Proprietors all or any Part of such Messuages, Lands, Tenements, or Hereditaments, for the Use of the said Navigation, shall extend, and they are hereby declared to extend to the setting out, ascertaining, purchasing, contracting for, selling, and conveying any Lands, Tenements, and Hereditaments necessary or requisite for the digging or making of the said Dock or Bason, and making and erecting any Towing-paths, Quays, Wharfs, Warehouses, Engines, and other necessary Works appertaining thereto, as if the same were repeated and re-enacted in this present Act.

Company empowered to take Lands, and make a Bason, Wharfs, &c.

II. And whereas it is in and by the said recited Act made and passed in the Twenty-third Year of the Reign of His present Majesty, enacted and provided, that no Summons, Order, Determination, Judgement, Warrant, Contract, Agreement, Bond, or other Writing whatsoever, under the Hands and Seals of any Justice of the Peace, or of the said Commissioners, or of any of them, or of any Person or Persons whomsoever, or any Transfer of any Share or Shares, or other Writing whatsoever, made in pursuance of the Powers given in and by such Act, shall be charged or chargeable with any Stamp Duty whatsoever: And whereas it is expedient that the same be repealed and rendered null and void; be it therefore enacted by the Authority aforesaid, That the said Provision or Enactment, and every Thing therein contained, shall be and is hereby repealed and

Repeal of Stamp Exemption.

made

made void; any Thing in the ſaid ſeveral recited Acts, or this Act, to the contrary in any wiſe notwithſtanding.

Compenſations to be paid in groſs Sums.

III. Provided always, and be it further enacted, That all Compenſations to be paid by the ſaid Company of the *Thames* and *Severn Canal*, to any Perſon or Perſons, for any Land bought under or by virtue of this Act, or for any Damage done in conſequence of any Thing done by Authority of the ſame, ſhall be made and given in groſs Sums, and not by any Annual Rent or Payment; any Thing in the ſaid recited Act of the Twenty-third Year of the Reign of His preſent Majeſty contained to the contrary in any wiſe notwithſtanding.

Plan to remain with the Clerk of the Peace, and be open for Inſpection.

IV. And whereas Levels and Surveys have been taken to aſcertain the Practicability of making the ſaid Dock or Baſon, and a Map or Plan thereof, and Book of Reference thereto, have been depoſited at the Office of the Clerk of the Peace for the County of *Wilts*; be it therefore 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 all ſeaſonable Times, have Liberty to inſpect and peruſe, and to take Copies or Extracts thereof at their Will and Pleaſure, paying the Clerk of the Peace the Sum of One Shilling for every ſuch Inſpection, and after the Rate of Sixpence for every Two hundred Words of ſuch Copies or Extracts of the ſaid Book of Reference, and that the ſaid Company of Proprietors, in making the ſaid Dock or Baſon hereby authorized to be made, ſhall not deviate more than One hundred Yards from the Lines or Courſes thereof deſcribed in the ſaid Map or Plan; nor ſhall any ſuch Deviation be made into or carried through the Lands of any Perſon not named in the ſaid Book of Reference, without the Conſent in Writing of ſuch Perſon: 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 Variation or Alteration 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, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Company not to deviate more than 100 Yards from the Plan.

Houſes and Grounds not to be damaged.

V. 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 to take, uſe, injure, or damage any Houſe or other Building, or any Ground, which upon the Firſt Day of *January* One thouſand eight hundred and thirteen, was the Scite of any Houſe or other Building, or a Garden, Orchard, Yard, Park, or planted Walk, or Avenues to a Houſe or a Lawn, or Pleaſure Ground incloſed or adjoining to a Dwelling Houſe, without the Conſent in Writing of the reſpective Owners and Occupiers thereof.

Committee empowered to call General Aſſemblies.

VI. And be it further enacted, That it ſhall and may be lawful for the General Committee of the ſaid Company of the *Thames* and *Severn Canal* Navigation, appointed as directed by the ſaid Act of the Twenty-third Year of the Reign of His preſent Majeſty, at any of their Meetings to call a Special General Aſſembly when and as often as they ſhall ſee fit, which Special General Aſſembly ſhall be called in the Manner preſcribed by the ſaid Act and the Rules and Regulations of the ſaid Company for calling Special General Aſſemblies, as the ſame ſhall be from Time to

Time ordered and appointed by the said Company; and all such Acts of the Proprietors at such Meeting assembled shall be as valid to all Intents and Purposes, as if the same were done at Meetings held in the Manner directed by the said Act of the Twenty-third Year of the Reign of His present Majesty, or any other Act or Acts.

Power to appoint Sub-Committees.

VII. And be it further enacted, That it shall be lawful for the General Committee, appointed as directed by the said Act of the Twenty-third Year of His present Majesty, at their First or any other Meeting after their Election, to nominate and appoint One or more Sub-Committee or Sub-Committees (every such Sub-Committee to consist of Three or more Persons, not exceeding Seven in all), out of such of the Proprietors of the said *Thames* and *Severn Canal* Navigation as shall be possessed in their own Right of Three Shares at the least, and from Time to Time to remove any Member or Members thereof, and appoint some other Person or Persons in his or their Place and Stead, or to fill up any Vacancy which may happen by the Death or Refusal to act, or the Want of Qualification in any Member of such Sub-Committee or Sub-Committees; and such Sub-Committee or Sub-Committees shall have full Power and Authority to do, execute, and perform all Matters and Things whatsoever in and about the said Undertaking, or such Part thereof which the said General Committee shall from Time to Time entrust to the Management of such Sub-Committees; and such Sub-Committees shall meet at such Times and Places as they shall think proper, and all Powers hereby vested, or which shall be vested in such Sub-Committees by the said General Committee as aforesaid, shall be exercised by the major Part present at their respective Meetings, the whole Number of Members present not being less than Three; and at all Meetings of such Sub-Committees respectively, One of the Members present shall be appointed Chairman, and all Questions shall be decided by the Majority of Votes, and the Chairman shall have the Casting Vote in case of an equal Division, but no other Member shall have more than One Vote; and such Sub-Committees shall from Time to Time make Reports, and send Copies of their Proceedings to the General Committee, if required, and shall at all Times be subject to the Controul of the said General Committee, and shall obey all their Orders and Directions in and about the Affairs of the said Company, so that such Orders and Directions be not contrary to the express Directions, Regulations, and Provisions contained in this or any other Act respecting the said Company of Proprietors; which said Sub-Committees may be dissolved by the said General Committees.

Rates and Dues.

VIII. Provided always nevertheless, and be it enacted, That from and after the passing of this Act all Boats, Barges, and other Vessels which shall be navigated upon and pass along the Whole or any Part of the said *Thames* and *Severn Canal* into or from the said intended Canal, having on board any Coals, Coke, Timber, Stone, Iron Stone, Bar Iron, Pig Iron, Pig Lead, Minerals, Goods, Wares, Merchandizes, or other Articles or Things of any Kind or Nature whatsoever, shall be subject and liable to pay the same or the like Rates and Dues to the said Company of Proprietors of the *Thames* and *Severn Canal* Navigation as the Boats, Barges, and other Vessels navigating and passing along the said *Thames* and *Severn Canal* do now pay, or shall at any Time or Times hereafter be liable to pay, under the Authority of the said Act of the Twenty-third Year of His present Majesty's Reign, (except as herein-after is otherwise provided);

and

and ſhall alſo be ſubject and liable to the Obſervance and Performance of all ſuch Rules, Orders, Regulations, and Directions contained in the ſaid Act, and as are or ſhall be contained in any Bye Law or Bye Laws already made or hereafter to be made and ordained by any General Aſſembly of the Proprietors of the ſaid *Thames* and *Severn Canal*; and alſo to all ſuch Fines, Penalties, and Forfeitures, or Puniſhments, as are thereby, or by this preſent Act, or any of the ſaid recited Acts, inflicted or impoſed, or intended to be inflicted or impoſed upon Offenders for any Breach thereof.

Merchandize of leſs than a Ton Weight to be taken as a Ton.

IX. And be it enacted, That all Goods, Wares, and Merchandize, paſſing upon the ſaid Canal, meaſuring Sixty Cubical Feet, and weighing leſs than One Ton Weight of Two thouſand and two hundred and forty Pounds Avoirdupois, ſhall be deemed and taken to be equal to One Ton, Weight, in reſpect to the Charge of Tonnage thereon, any Thing in the before-recited Acts to the contrary thereof in anywiſe notwithſtanding.

Proviſion for Boats of ſmall Burthen.

X. Provided alſo, and be it further enacted, That all Boats or other Veſſels paſſing on the *Thames* and *Severn Canal*, and afterwards entering the Canal authorized to be made by an Act made in the Thirty-fifth Year of the Reign of His preſent Majeſty, intituled *An Act for making and maintaining a Navigable Canal from the River* Thames *or* Iſis, *at or near the Town of* Abingdon, *in the County of* Berks, *to join or communicate with the* Kennet *and* Avon Canal, *at or near the Town of* Trowbridge, *in the County of* Wilts, *and alſo certain navigable Cuts therein deſcribed*, or coming from the ſaid Canal into the *Thames* and *Severn Canal*, although ſuch Boats or other Veſſels ſhall be of leſs Burthen than the *Thames* and *Severn* Boats, ſhall be allowed to paſs on any Part of, or through any Lock, on or belonging to the ſaid *Thames* and *Severn Canal*, upon paying the Company of Proprietors of the ſaid *Thames* and *Severn Canal*, their Succeſſors and Aſſigns, Tonnage only for ſo much Lading or Burthen as they may reſpectively carry; if more than Twenty Tons, and if leſs than Twenty Tons, the full Tonnage Rate for Twenty Tons, in the ſame Manner as if ſuch Boats or other Veſſels had actually Twenty Tons of Lading on board, except when ſuch Boats or other Veſſels ſhall be on their Return, and then the ſaid Boats or other Veſſels ſhall, if empty, paſs without paying any Thing, and if laden ſhall be chargeable for the Number of Tons actually on board.

Drawback to be allowed on Coal paſſing to the Wilts and Berks Canal.

XI. And be it further enacted, That Boats, Barges, or other Veſſels loaded with Coal, paſſing from the ſaid *Thames* and *Severn Canal*, and afterwards entering the ſaid *Wilts* and *Berks Canal* Navigation (which Coal, or any Part thereof, ſhall not return into the ſaid *Thames* and *Severn Canal*) ſhall have ſuch a Drawback allowed upon the ſame by the *Thames* and *Severn Canal* Company, as will reduce the Tonnage and Wharfage, payable to the ſaid *Thames* and *Severn Canal* upon ſuch Coal under and by virtue of the ſaid firſt recited Act, to a Sum not exceeding Two Shillings and Sixpence *per* Ton.

Time limited for leaving Goods on Wharf.

XII. Provided always, and be it enacted, That in caſe the ſaid Company of Proprietors of the *Thames* and *Severn Canal* Navigation ſhall cauſe any Wharf or Wharfs, Warehouſe or Warehouſes to be made on the Land or Ground which they are hereby empowered to purchaſe, and any Iron, Iron Stone, Coals, Culm, Lime, Timber, and other Goods, Wares, or

Merchandize, ſhall remain upon ſuch Wharf or Wharfs for above the Space of Six Hours after the ſame ſhall be landed, then and in every ſuch Caſe the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall be entitled to demand and receive ſuch reaſonable Allowance over and above the Tonnage Rates limited by this Act, and the ſaid Act of the Twenty-third Year of His preſent Majeſty, or any other Act or Acts, as they are now entitled and empowered by Law to take of and from the Owner or Owners of ſuch Iron, Iron Stone, Coals, Culm, Lime, Timber, or other Goods, Wares, or Merchandize, or in caſe of any Diſagreement or Diſpute reſpecting the Quantum of ſuch Allowance, then and in every ſuch Caſe, the ſame ſhall be aſcertained and adjuſted as is provided by and under the Authority of the ſaid Act of the Twenty-third Year of His preſent Majeſty's Reign.

Punting Poles prohibited unleſs of certain Dimenſions.

XIII. And be it further enacted, That no Boat or other Veſſel navigating on any Part of the ſaid *Thames* and *Severn Canal*, between *Brimſcombe Port* and *Ingleſham*, having on board any Pole, Shaft, or Inſtrument uſed or to be uſed in punting or navigating ſuch Boat or other Veſſel, pointed or ſpiked with Iron, or otherwiſe of leſs Area at the End thereof than Six Inches in Diameter, or of greater Circumference in any one Part (except at the End as aforeſaid) than Eight Inches, nor of greater Length than Fourteen Feet, ſhall paſs along any Part of the ſaid *Thames* and *Severn Canal*, and it ſhall be lawful for any Agent or Servant of the ſaid Company of Proprietors to ſeize, to the Uſe of the ſaid Company, any Poles, Shafts, or Inſtruments of any other Dimenſion, in caſe they ſhall be found on board any ſuch Boat or Veſſel, for the Purpoſe of navigating the ſaid Boat or Veſſel, or ſtop and detain ſuch Boat or other Veſſel until ſuch Poles, Shafts, or Inſtruments be delivered up; 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.

Power to purchaſe Wharfs and other Buildings.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to erect, or otherwiſe provide any Wharfs, Warehouſes, or other Buildings for the loading or unloading, depoſiting or keeping any Coals, Goods, Merchandize, or other Things carried or conveyed upon the ſaid *Thames* and *Severn Canal*, or for any 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 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.

Penalty on Perſons bathing.

XV. And whereas it hath been found that great Injury has been done to the Sides and Bottom of the ſaid *Thames* and *Severn Canal*, and great Inconvenience ariſes to Perſons paſſing on the Towing Path of the ſame, by Perſons bathing in and expoſing themſelves on the Banks of the ſaid Canal; for Remedy whereof be it enacted, and it is hereby enacted, That in caſe any Perſon or Perſons ſhall bathe in the ſaid *Thames* and *Severn*

Canal or Collateral Cut, or in either of them, or in any Reſervoir, Aqueduct, Water-way, Feeder, or Pond, being the Property of the ſaid Company of Proprietors, without the Permiſſion of the ſaid Company, it ſhall be lawful to and for any Juſtice of the Peace for the ſaid Counties of *Glouceſter* and *Wilts*, and he is hereby required, upon Complaint made to him by One or more credible Witneſs or Witneſſes, of any ſuch Offence, to iſſue a Warrant to apprehend the Party or Parties ſo accuſed, or it ſhall and may be lawful to and for any Perſon or Perſons who ſhall ſee ſuch Offence committed, to apprehend, and alſo for any Perſon or Perſons to aſſiſt in apprehending the Offender or Offenders, and by Authority of this Act, without any other Warrant, to deliver him, her, or them into the Cuſtody of a Peace Officer, in order to be ſecured and conveyed before ſome Juſtice of the Peace for the ſaid Counties; and on the Party or Parties accuſed being brought before ſome Juſtice, ſuch Juſtice ſhall proceed to examine upon Oath, any Witneſs or Witneſſes who ſhall appear or be produced to give Evidence touching ſuch Offence, either by his, her, or their Confeſſion, or upon ſuch Evidence as aforeſaid, then and in every ſuch Caſe, he, ſhe, or they ſhall, for every ſuch Offence reſpectively, and if more than One, ſhall ſeverally forfeit and pay any Sum not exceeding Forty Shillings; and in caſe ſuch Offender or Offenders ſhall not upon Conviction forthwith pay ſuch Penalty by him, her, or them incurred, ſuch Juſtice is hereby required to commit ſuch Offender or Offenders to the Common Gaol or Houſe of Correction of the ſaid County, there to be kept to hard Labour for any Time not exceeding One Month, and ſuch Offender or Offenders ſhall not be diſcharged before the Expiration of the Time for which he, ſhe, or they ſhall be ſo committed, unleſs ſuch Penalty as aforeſaid be ſooner paid and given.

Company to erect Bridges.

XVI. Provided, 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 *Waymoor*, a good and ſufficient Carriage Bridge of Brick, over the Eaſt End of the ſaid Baſin, and over the River *Churn*, on the North Side of the ſaid Baſin; and alſo One on the South Side of the ſaid Baſin, if the ſaid Company ſhall deſtroy or render uſeleſs the preſent Bridges, with ſufficient Archways to allow the Water of the ſaid River to paſs under the ſaid Bridges, without Obſtruction.

Company not to erect a Steam Engine for the Uſe of their Baſin.

XVII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to empower the ſaid Company of Proprietors, or any other Perſons whomſoever, under any Pretence, to erect and fix any Steam Engine, or other Engine, Device, or Contrivance whatſoever, for raiſing Water to ſupply the ſaid Baſin, or to take or uſe in or for the Purpoſes of the ſaid Baſin, any of the Water from or out of the Streams, Brooks, Waters, or Watercourſes, which now run and flow through the ſaid Meadows called *Waymoor*, and through or by the Mills called *Latton Upper Mill*, otherwiſe *Glaſs's Mill*, and *Latton Lower Mill*, until after ſuch Waters ſhall have paſſed through or by the ſaid Meadows and Mills, or to take, divert, turn, or uſe any Water or Stream, the taking, diverting, turning, or uſing whereof, ſhall or may in any Reſpect diminiſh or leſſen the Quantity of Water which has hitherto run and flowed over or through, or by the ſaid Meadows and Mills, or any or either of them, or otherwiſe prejudice the ſaid Meadows, and Mills, or prevent the Owner or Owners, Occupier or Occupiers thereof,

thereof, from using and enjoying for the said Meadows and Mills as much and as great a Quantity of Water as he, she, or they could or might use and enjoy, or might have used and enjoyed if this Act had not been made, any Thing herein to the contrary notwithstanding.

Power to subscribe towards making the Swindon and Latton Canal.

XVIII. And whereas the making and maintaining a Canal from *Swindon* to join the *Thames* and *Severn Canal* at or near *Latton*, will be attended with great Benefit and Advantage to the Company of Proprietors of the said *Thames* and *Severn Canal*; be it therefore enacted, That it shall and may be lawful to and for the said Company of Proprietors to subscribe, contribute, and pay any Sum or Sums of Money not exceeding Five thousand Pounds towards defraying the Expence of making and maintaining any Canal hereafter to be made to join with the *Thames* and *Severn Canal*, any Thing in the said Act of the Twenty-third Year of His present Majesty to the contrary notwithstanding; and the said Company of Proprietors shall be entitled to such and so many Shares in the said intended Canal in Proportion to the Sum which shall be actually subscribed by them, and shall be at Liberty to sell and dispose of the same in the same Manner as any other Holder or Holders of such Shares individually.

Application of Compensation where exceeding 200l.

XIX. 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, or of the Twenty-third of His present Majesty's Reign, 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 Sum shall, in case it 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 *Thames* and *Severn 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 should 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 settled and conveyed 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

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 Cent.* Consolidated Annuities, or Three Pounds *per Cent.* Reduced 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.

Application where less than 200*l.* and exceeding 20*l.*

XX. 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 amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, so purchased, taken or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank 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.

Application where less than 20*l.*

XXI. Provided also, and be it further enacted, That when 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 all 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 respectively.

In case of not making out Titles.

XXII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded, for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of the said recited Act of the Twenty-third Year of His present Majesty, or this Act, shall refuse to accept the same, or shall not be able to make a good

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

Reſpecting diſputed Titles.

XXIII. 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 Court of Chancery in purſuance of the ſaid recited Act of the Twenty-third Year of His preſent Majeſty, or this Act, for the Purchaſe of any Lands, Tenements, or Hereditaments, or of any Eſtate, Right, Title, or Intereſts in any Lands, Tenements, or Hereditaments, to be purchaſed in purſuance of the ſaid recited Acts or this Act, or to any Bank Annuities to be purchaſed with any ſuch Money, or to the Dividends or Intereſts of any ſuch Bank Annuities, the Perſon or Perſons who ſhall have been in Poſſeſſion of ſuch Lands, Tenements or Hereditaments, at the Time of ſuch Purchaſe, and all Perſons claiming under ſuch Perſon or Perſons, or under the Poſſeſſion of ſuch Perſon or Perſons, ſhall be deemed and taken to have been lawfully entitled to ſuch Lands, Tenements, or Hereditaments, according to ſuch Poſſeſſion, until the contrary ſhall be ſhewn to the Satisfaction of the ſaid Court of Chancery; and the Dividends or Intereſts 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 of Chancery may order reaſonable

XXIV. 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 the said recited Act of the Twenty-third Year of His present Majesty, or this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Act of the Twenty-third Year of His present Majesty, or this Act, it shall be lawful for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Act of the Twenty-third Year of His present Majesty, or this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Trustees or any Two or more of them, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct. Expences of Purchases to be paid.

XXV. And be it further enacted, That from and after the passing of this Act whenever any Offender or Offenders shall be convicted of any Offence or Offences against any of the Provisions contained in the said Act of the Twenty-third Year of His present Majesty's Reign, or this Act, or against any Thing done, or Bye Law made, by the Authority of that Act, and he, she, or they shall be adjudged to pay any Fine, Penalty, or Forfeiture thereby inflicted, and such Offender or Offenders shall not forthwith pay, or shall refuse to pay the same into the Hands of the Justice or Justices before whom he, she, or they shall be so convicted, (together with such reasonable Costs attending the Conviction, and in levying the same, as such Justice or Justices shall ascertain, order, and direct to be paid,) it shall and may be lawful for such Justice or Justices, and he and they is and are hereby required to order such Offender or Offenders to be detained and kept in the Custody of any Constable or other Peace Officer until it can be ascertained whether such Offender or Offenders hath or have any Goods or Chattels within the Jurisdiction of such Justice or Justices, whereon the same can be levied, or if it shall manifestly appear to such Justice or Justices, either by the Confession or Acknowledgment of the Offender or Offenders, or on the Oath or Oaths of One or more credible Person or Persons testifying his, her, or their Belief, (and which Oath and Oaths such Justice or Justices is and are hereby authorized to administer,) that such Offender or Offenders hath or have no fixed Abode or Dwelling Place within the Jurisdiction of such Justice or Justices, otherwise than on board of any Boat, Barge, or other Vessel navigated on such last-mentioned Canal, and that he, she, or they, at the Time of such his, her, or their Conviction, had not any Goods or Chattels within such Jurisdiction sufficient to levy such Fine, Penalty, or Forfeiture, and Costs, then and in either of the said Cases, and as often as it shall so happen, it shall and may be lawful for any Justice or Justices of the Peace, (and he and they is and are hereby authorized and required,) by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction of the County or Place for which he or they shall act, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Fine, Penalty, or Forfeiture, and Costs, together with the reasonable Charges to be incurred by conveying such Offender or Offenders to the said Gaol or House of Correction (to be then ascertained by such Justice or Justices) shall be sooner paid and satisfied. For taking up transient Offenders.

XXVI. And, for the more easy and speedy Conviction of such Offenders, be it further enacted, That all and every the Justice and Justices of the Form of Conviction.

the Peace before whom any Perſon or Perſons ſhall be convicted of any ſuch Offence, 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, as the Caſe ſhall happen; (that is to ſay),

'BE it remembered, That on the Day of in the Year of our Lord is convicted before me [*or*, before us] One [*or*, Two] of His Majeſty's Juſtices of the Peace for the County of [ſpecifying the Offence, and Time and Place when and where the ſame was committed, *as the Caſe ſhall be.*] Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year firſt above mentioned.'

Juſtices may reward the Informer.

XXVII. Provided always, and be it enacted, That it ſhall be lawful for the Committee of the ſaid Company of Proprietors at any Time or Times, (when they ſhall think it expedient and proper,) to direct the Payment of the Whole or any Part or Parts of ſuch Fines, Penalties, or Forfeitures, when received, to or for the Uſe of the Informer or Informers, or other Perſon or Perſons aiding or aſſiſting in the apprehending and bringing to Juſtice any Offender or Offenders under the ſaid Act, who ſhall not have been examined as a Witneſs on exhibiting the Information, or on the hearing thereof, or on the Conviction of ſuch Offender or Offenders; any Thing in the ſaid Act contained to the contrary thereof in anywiſe notwithſtanding.

Proprietors to keep the ſame in good Repair.

XXVIII. And be it further enacted, That the ſaid Company of Proprietors of the *Thames* and *Severn Canal* ſhall, at all Times after the paſſing of this Act, keep open and in good Repair the ſaid *Thames* and *Severn Canal*, and Works, from *Weymoor Bridge* aforeſaid to *Lechlade* aforeſaid, in the ſame Manner as they are now obliged to keep the ſame; any Thing herein contained to the contrary thereof notwithſtanding.

Expences of the Act.

XXIX. And be it further enacted, That the Charges and Expences of obtaining and paſſing this Act ſhall be paid by the ſaid Company of Proprietors of the *Thames* and *Severn Canal*, out of any Money raiſed under the Authority of the ſaid recited Act, or any other Act or Acts.

Public Act.

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

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