



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 111.

An Act for explaining, amending, and rendering more effectual several Acts of the Sixteenth and Seventeenth Years of the Reign of King *Charles* the Second, and of the Seventh and Thirty-fifth Years of the Reign of His present Majesty, relating to the Navigation of the River *Itchin* in the County of *Southampton*. [26th June 1802.]

WHEREAS by an Act made in the Sixteenth and Seventeenth Years of the Reign of King *Charles* the Second, intituled *An Act for making divers Rivers navigable or otherwise passable for Boats, Barges, and other Vessels, the River Itchin alias Itching, in the County of Southampton, was made navigable and passable for the Purposes therein mentioned, and under the Restrictions therein contained, from a certain Place called Blackbridge, near the City of Winchester, in the County of Southampton, to a certain Place called Woodmill, in the same County, to which Place the Sea flows up; and the said Act was explained and amended by Two Acts, one of which was passed in the Seventh Year and the other in the Thirty-fifth Year of the Reign of His present Majesty: And whereas, under and by virtue of the Provisions or Regulations of the said Acts, the Proprietors of the said River are exclusively appointed to be the Carriers on the said River, at certain* 16 & 17 Car. 2.
7 & 35 G. 3.

[*Loc. & Per.*] 22 F Rates

Rates for Riverage and Carriage: And whereas by the said Act passed in the Thirty-fifth Year of the Reign of His present Majesty, the said Navigation was declared to consist of One hundred and sixty equal Parts or Shares: And whereas *George Hollis* of the said City of *Winchester* Gentleman, and *Harry Baker* of *Pall Mall*, in the City of *Westminster*, Linen Draper, are possessed of the Whole of the said One hundred and sixty Parts or Shares, subject to certain Incumbrances mentioned in and created since the said recited Act of the Thirty-fifth Year of the Reign of His present Majesty: And whereas it would be advantageous to the Public, and the said *George Hollis* and *Harry Baker* are desirous that the said River should be navigated, used, and enjoyed as a public navigable River, upon being paid the Rates herein-after given and granted to them by way of Tonnage on the said River: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, the said *George Hollis* and *Harry Baker*, or either of them, or their or either of their Heirs and Assigns, shall no longer be exclusively entitled or compelled to be the Carriers on the said River, except as herein-after mentioned, and that the Rates payable to them the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, for Carriage and Riverage, shall be no longer paid or payable; and that all Persons whomsoever shall have, use, and lawfully enjoy the free Passage upon the said River, with and for Boats, Barges, and other Vessels not exceeding the Burthen of Forty-five Tons, nor less than Twenty Tons, and also have and use the towing or haling Paths, Wharfs, Quays, and all other necessary Powers for navigating the same and carrying on the Commerce of the said River, for the Benefit of the Public, without any Let, Hindrance, or Obstruction from any Person or Persons whomsoever, upon Payment to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, such Rates and Duties as shall be demanded by them the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, not exceeding the Rates or Duties herein-after given or granted, and subject nevertheless to the Provisions and Regulations of the said recited Acts and this present Act.

The River shall cease to be exclusively navigated by the Proprietors, and shall be a public navigable River.

The Powers given to Commissioners of the Three recited Acts to fix Rates of Riverage, &c. and to compel Proprietors to keep Boats, to cease.

II. And be it further enacted, That the Rates of Carriage and Riverage granted by the said Act of the Thirty-fifth Year of the Reign of His present Majesty, and all and every the Powers and Authorities given to certain Persons named in the said Three several Acts of Parliament, as Commissioners for carrying the same into Execution, as to several Particulars therein mentioned, to ascertain, fix, and determine the Rates to be payable to the Proprietors of the said River for Carriage, Riverage, Wharfage, or Cranage, on account of any Goods to be carried on the said River, and also all and every the Powers and Authorities given to the said Commissioners by the said Three several Acts, or any of them, to compel the Proprietors of the said River to keep and maintain Boats, Barges, or other Vessels on the said River, with necessary Tackle and Horses for the same, shall, from and after the passing of this Act, cease, determine, and be utterly void.

Boats, Barges, &c. navigating

III. And be it further enacted, That it shall and may be lawful to and for the Owners of any Boats, Barges, or other Vessels, and their Servants navigating

navigating the same, to go to the present Wharf, Quay, or Landing Place at *Northam*, or any other Wharf, Quay, or Landing Place adjoining the same, that shall hereafter be made for the Purposes of the said River, and to take in Lading thereat and therefrom, although there shall at the same Time be any Vessels or Vessel afloat on the said River, with Cargoes to be carried up the same in the Boats, Barges, and other Vessels navigating thereon.

the River, may go to the Wharf at *Northam* for Lading, though there shall be Ships afloat :

IV. Provided always, That the said Commissioners, or any Seven or more of them, shall from Time to Time make and publish, and, as they shall see Occasion, alter any Regulations respecting the Proportion of the Boats, Barges, or other Vessels to be employed on the said River that shall so go for Lading to the said Wharf, Quay, or Landing Place, during the Time that any Vessels or Vessel may lay afloat on the said River, so as that the utmost possible Dispatch may be given in delivering the Cargoes of the said Vessels or Vessel that may be consistent with the other Trade on the said River.

Under such Regulations respecting the Proportion of Boats, &c. to be so employed as any Seven or more Commissioners shall make.

V. And be it further enacted, That if at any Time after the passing of this Act Complaint shall be made to the said Commissioners, or any Seven or more of them, at any of their General Meetings, to be holden in pursuance of the said Three recited Acts and this present Act, either by the Proprietors of the said River, or by the Persons navigating and trading thereon, that there cannot be procured at the present Wharf at *Northam* good and sufficient Wharfage and Storehouse Room for the Trade on the said River at reasonable Rates, that then it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, and they are hereby required to summon the said Complainants, and all other Parties concerned or interested therein, to appear before them on Ten Days previous Notice being given them for that Purpose, and to examine into the said Complaint, upon Oath of the several Parties and their Witnesses, which Oath the said Commissioners are hereby empowered and required to administer; and if they shall from the Evidence be of Opinion that such Complaint be well founded, and that it will be necessary that some other Wharf and Storehouse shall be made and erected for the Convenience of the said Navigation, and of the Persons trading thereon, to order and direct the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, to make and erect some other Wharf and Storehouse on some convenient Piece of Ground, as near to the present Wharf at *Northam* as the same can be obtained; and within One Month after such Order shall have been so made, and due Notice thereof given to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, they the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, shall and will and they are hereby required to apply to the said Commissioners, or any Seven or more of them, for their Order for obtaining the said Piece of Ground, and within Twelve Months after they shall have obtained Possession of the said Piece of Ground, make, erect, and build, or cause to be made, erected, and built thereon, a convenient and sufficient Wharf or Quay, with a convenient and sufficient Storehouse thereon, in order that a more quick Dispatch may be given to the Ships or Vessels coming to be laden and unladen at *Northam* aforesaid, in consideration whereof the said Commissioners, or any Seven or more of them, shall from Time to Time, upon the Application of the said *George Hollis* and *Harry Baker*, their

A new Wharf and Storehouse to be made at *Northam*, if directed by Commissioners.

Heirs

Heirs and Assigns, fix and ascertain such Rates of Wharfage as shall appear reasonable and proper to them, having Regard to the Expence of erecting and maintaining the said Wharf and Storehouse; and if the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, shall omit to make such Application to the said Commissioners for their Order for obtaining such Piece of Ground, or after the same shall have been so obtained shall omit to make and erect such Wharf and Storehouse thereon, within the respective Times herein-before mentioned, they the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, shall forfeit and pay for every such Default any Sum that the said Commissioners, or any Seven or more of them, shall order and direct, not exceeding Two hundred Pounds, to be sued for, levied, recovered, and applied in manner herein-after mentioned.

Wharf when
made to be
used by
Traders.

VI. Provided always, and be it further enacted, That when such new Wharf and Storehouse shall be made and erected, the Owners of Boats, Barges, and other Vessels, navigating and trading on the said River, shall and they are hereby required to land on, deposit in, and take from the said Wharf and Storehouse, all the Goods, Wares, and Merchandize whatsoever, to be carried, conveyed, and brought up and down such Part of the said River as has been made navigable by or under the Authority of any of the said recited Acts, and that shall be landed and stored at *Northam*, and to pay the Rates of Wharfage for the same, under Penalty in every Default of the Amount of the Rates of Wharfage that would and should have become due to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, if such Goods, Wares, and Merchandize that shall have been landed on any other Wharf, or deposited in any other Storehouse at *Northam* than the said Wharf and Storehouse that may be so made and erected by the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, had been landed on the said Wharf, or deposited in the said Storehouse, so to be made and erected by the said *George Hollis* and *Harry Baker*, their Heirs and Assigns.

Commission-
ers appointed,

VII. And be it further enacted, That the Justices of the Peace for the Time being of the said County of *Southampton*, the Mayor, Recorder, and Aldermen of the said City of *Winchester* for the Time being, the Reverend the Dean and Chapter of *Winchester* for the Time being, the Reverend the Warden and Fellows of the College near *Winchester* for the Time being, and the Mayor, Recorder, and Justices of the Town of *Southampton* for the Time being, shall be and are hereby appointed Commissioners for putting in Execution all and singular the Powers in this Act and of the recited Acts contained; and that all and every Person and Persons constituted and appointed a Commissioner or Commissioners by virtue or in pursuance of this Act, before he and they respectively take upon himself or themselves to act as a Commissioner or Commissioners under this Act or the said recited Acts (other than the administering the Oath following to one another, which they or any Two of them are required to do), do and shall take and subscribe the following Oath:

to take this
Oath.

‘ I *A. B.* do swear, That I will, without Favour or Affection, truly,
‘ faithfully, and impartially execute, perform, and discharge the
‘ Office and Duty of a Commissioner, according to the Powers, Authorities,
‘ and Directions given and established by an Act made in the Sixteenth
‘ and

and Seventeenth Years of the Reign of King *Charles* the Second, intituled *An Act for making divers Rivers navigable or otherwise passable for Boats, Barges, and other Vessels*; and also One other Act, made in the Seventh Year of the Reign of His Majesty King *George* the Third, to explain and make more effectual the said recited Act of the Sixteenth and Seventeenth Years of the Reign of King *Charles* the Second; and also One other Act to explain, amend, and render more effectual, the several Acts of the Sixteenth and Seventeenth of King *Charles* the Second, and of the Seventh of His present Majesty, relating to the Navigation of the River *Itchin* in the County of *Southampton*, and for improving the Navigation thereof, and for ascertaining the Rates of Carriage, Riverage, and Wharfage, payable thereon; and also One other Act for explaining, amending, and rendering more effectual several Acts of the Sixteenth and Seventeenth Years of the Reign of King *Charles* the Second, and of the Seventh and Thirty-fifth Years of the Reign of His present Majesty, relating to the Navigation of the River *Itchin*, in the County of *Southampton*.

‘So help me GOD.’

Which Oath, so taken and subscribed as aforesaid, shall be kept by the Clerk of the Peace among the Records of the Sessions of the Peace in and for the County of *Southampton*.

VIII. And be it further enacted, That each of the said Commissioners who shall be Justices of the Peace for the said County of *Southampton*, or City of *Winchester*, or of the Town and County of the Town of *Southampton*, shall and may and is hereby empowered to act as a Justice of the Peace in the Execution of this Act and the said recited Acts, notwithstanding his being a Commissioner.

Commissioners who are Justices may act as such.

IX. And whereas in and by the said Act passed in the Thirty-fifth Year of His said Majesty, the Number of Commissioners, constituting a Meeting for some of the Purposes mentioned in the said several Acts, is increased to the Number of Eleven Commissioners, which has been found inconvenient, inasmuch as it has frequently been difficult to obtain the Attendance of so many Commissioners, whereby the Business and Concerns of the said River have often been impeded, to the Detriment and Loss, as well of the Public as of the Proprietors of the said River; be it further enacted, That from and after the passing of this Act it shall be competent for Seven Commissioners to hold Meetings and to transact Business for any of the Purposes of the said Three several Acts, although a greater Number shall be required by the Provisions of the said last-mentioned Statute; and that where a less Number are empowered to act under either of the Two former Acts, such less Number shall be competent to act in the Matters where such less Number are empowered to carry into Execution either of the said Two former Acts; and that Seven Commissioners shall be competent to act for all the Purposes of the present Act, except for making or altering Bye-Laws as herein-after provided, and except in such Cases where a less Number are by this Act authorized to hear and determine any Complaints.

The Number of Commissioners to constitute Meetings altered and regulated.

X. And be it further enacted, That it shall and may be lawful to and for the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, and

Rates of Tonnage.

[*Loc. & Per.*]

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no

no others, from Time to Time, and at all Times for ever, to ask, demand, receive, take, and recover to and for their own Use and Benefit, for the Tonnage of all Coals, Culm, Corn, Iron, Stone, Timber, and all other Goods, Wares, Merchandize, and Things whatsoever, which shall be navigated, carried on, or conveyed upon, through, or over the said River, or any Part thereof, such Rates as shall be fixed by the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, not exceeding the respective Sums herein-after mentioned; that is to say, for all Coals, Culm, Corn, Iron, Stone, Timber, and all other Goods, Wares, Merchandize, and Things whatsoever (except Chalk, when carried down the said River in Boats, Barges, and other Vessels, when going for Freight to be carried on the said River, and which shall be free from any Rate of Tonnage), which shall be navigated, carried, or conveyed upon the said River, or any Part thereof, the Sum of One Penny Halfpenny *per Ton per Mile*, and so in proportion for any greater or less Quantity than a Ton, or greater or less Distance than a Mile.

Tolls to be paid for a full Half Mile, and for a Quarter of a Ton.

XI. Provided always, That in all Cases where any Boat, Barge, or other Vessel shall be navigated, or pass by any Post or Mark, or Place where such Post or Mark shall have stood or been fixed on the Side of the said River, describing and regulating the Length of Half a Mile, the said Rates shall be paid for a full Half Mile after the last Post or Mark, although such Boat, Barge, or other Vessel shall not have actually passed the full Half Mile; and that in all Cases where the Weight of the Lading contained in any such Boat, Barge, or other Vessel shall not make up an even Quarter of a Ton, yet the said Rates which should be paid for a full Quarter of a Ton shall be paid to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, for such less Quantity.

Distances of certain Places on the Navigation ascertained.

XII. And be it further enacted, That for the Purposes of removing any Difficulties, and preventing Disputes as to the Distances of the principal Places where Goods are and have been accustomed to be brought and landed, and for the ascertaining the Tonnage to be paid thereon, the Distance from and to the several Places following is hereby declared; *videlicet*, from *Winchester* to *Shawford Wharf*, Three Miles; to *Bishop's Stoke*, Six Miles; to *Mansbridge* or *West End Mills*, Nine Miles; and to *Northam*, Twelve Miles; from *Northam* to *Mansbridge* or *West End Mills*, Three Miles; to *Bishop's Stoke*, Six Miles; to *Shawford Wharf*, Nine Miles; and to *Winchester*, Twelve Miles; and the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, shall from Time to Time, and at all Times hereafter, be entitled to ask, demand, receive, and recover the Tonnage hereby granted, according to the said several Distances to and from *Northam* to *Winchester*, and other the intermediate Places above mentioned.

Rates of Wharfage.

XIII. And be it further enacted, That no more than the Sum of Two-pence *per Chaldron* for Coals at the Wharf near *Winchester*, and Two-pence *per Ton* for all other Goods, Wares, and Merchandize, shall be demanded or taken for Wharfage by the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, or any Person or Persons who shall or may at any Time hereafter make, erect, or build any Wharfs or Quays on any Part of the said River, unless the Goods, Wares, and Merchandize which shall be laid thereon shall remain or continue on such

Wharf

Wharf or Quay for a longer Time than the Space of Ten Days, with such additional Rates for Goods to be put and placed in the Warehouses at the Request of the Owners of such Goods, as shall be set and ascertained by the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, by and with the Approbation and Consent of the said Commissioners.

XIV. And for the further ascertaining the Tonnage of Timber, Corn, and other Goods to be charged with the Payment of such Rates as aforesaid, be it further enacted, That Twenty-six Cubic Feet of Round, and Forty Cubic Feet of Square Oak, Ash, Elm, or Beech Timber; Fifty Cubic Feet of Fir or Deal, Balk, Poplar, Birch, or other Timber or Wood not cut into Scantlings; Thirteen Cubic Feet of *Portland* or other Stone; Five Quarters of Wheat, Beans, or Pease; Six Quarters of Barley; Seven Quarters and Four Bushels of Oats; and Eight Quarters of Malt *Winchester* Measure, and One Chaldron of Coal, shall, for the Purposes of this Act, be respectively deemed, rated, and estimated as and for One Ton Weight; and that One hundred and twelve Pounds Weight Avoirdupoise of Culm, Canal Coal, Iron, and all other Commodities, shall, for the Purposes of this Act, be deemed, rated, or estimated as and for One Hundred Weight; and Twenty Hundred Weight of all Commodities whatsoever shall, for the Purposes of this Act, be deemed One Ton; any Usage of rating or estimating the same to the contrary hereof notwithstanding.

Weight of
Tonnage,
how to be
ascertained.

XV. And be it further enacted, That the Rates and Tolls hereby directed to be taken shall be paid to such Person or Persons, at such Place or Places upon or near to the said River, in such Manner, and under such Regulations, as the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, shall in that Behalf direct and appoint; and in case of Neglect or Refusal to pay any such Rates or Tolls, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same as aforesaid, it shall be lawful for the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, to sue for the same, by Action of Debt or upon the Case, in any of His Majesty's Courts of Record at *Westminster*, or it shall and may be lawful for the Person or Persons to whom such Rates or Tolls ought to have been paid, and he and they is and are hereby fully authorized and empowered, to seize and distrain any Boat, Barge, or other Vessel, Goods, Wares, or Merchandize, Horse or Horses, or other Cattle, for or in respect of which any such Rates or Tolls ought to have been paid as aforesaid, or any Part of such Goods, Wares, and Merchandize, and the Apparel or Furniture of such Horse or Horses, or other Cattle, and to detain the same, or any Part thereof respectively, until full Payment shall be made of such Rates or Tolls, 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, shall and may be appraised and sold as the Law directs in Cases of Distress for Rent.

Rates and
Tolls how to
be recovered.

XVI. And for the more easy collecting the said Rates and Tolls, be it further enacted, That the Master, Owner, or Manager of every Boat, Barge, or other Vessel, navigated upon or along the said River, or upon any Part thereof, shall give a just Account in Writing, signed by him, to the Collector or Collectors of the said Rates, at the Place or Places to be appointed

Master of
Boats, &c. to
give Account
of Lading to
the Collector.

appointed for collecting the Tolls, of the several Quantities, Qualities, and Weight of such Goods as shall have been discharged or taken out of such Boat, Barge, or Vessel, within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and in case any such Master, Owner, or other Person shall neglect or refuse to give such Account, or refuse to produce his Bill of Lading to such Collector or Collectors, if demanded, or shall give a false Account thereof, or shall deliver any Part of his Lading or Goods at any other Place than that mentioned in such Account, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings for every such Offence, over and above the Rates which shall be payable for the same; which said Forfeiture, in case of the Refusal of Payment thereof on Demand, shall and may be recovered in the same Manner as the Rates are herein-before appointed and directed to be recovered and levied.

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

XVII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Tolls, and the Master or Person having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, and Merchandize, concerning the Weight and Quantity of the same, it shall be lawful for any such Collector to seize 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 Person having the Care of such Boat, Barge, or other Vessel, shall pay the Costs and Charges of such weighing, measuring, and gauging, and such Costs and Charges, in case of Refusal of Payment thereof upon Demand, shall and may be levied and recovered in the same Manner as the said Tolls and Rates are hereby appointed to be levied and recovered; but if such Goods, Wares, and Merchandize shall appear to be of the same Weight or Quantity, or of less Weight or 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 or Person, or to the Owner or Owners of such Goods, Wares, and Merchandize, such Damages as shall appear to the Commissioners, or any Five or more of them, appointed under the several Acts relating to the said River, 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 against the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, by Distress and Sale of their Goods and Chattels, by Warrant under the Hand and Seal of the said Commissioners, or by Action of Debt, or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Proprietors may vary the Rates and Tolls.

XVIII. And be it further enacted, That it shall and may be lawful for the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, from Time to Time, with the Consent of Five Sixths in Value of the Persons interested therein, as Mortgagees, if there shall be any Mortgage thereon, to lower and reduce such of the said Rates and Tolls as he
and

and they shall think proper, and in like Manner from Time to Time to advance and raise the same: Provided always, that the same shall not in any Case exceed the respective Rates and Tolls herein-before authorized to be taken.

XIX. And be it further enacted, That within the Space of Six Months after the passing of this present Act, the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, shall cause the said River to be measured, and Stones or Posts to be erected, and for ever after maintained on the Side or Sides thereof, at the Distance of Half a Mile from each other, with proper and legible Marks, denoting the Distance from such Places as shall be thought proper.

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

XX. And be it further enacted, That all and every Person and Persons that shall and may hereafter keep and navigate any Boats, Barges, or other Vessels on the said River, shall be entitled to ask, demand, receive, and recover, for the Carriage or Riverage of all Goods to be put on board, and carried in his, her, or their said Boats, Barges, or other Vessels, the several Rates contained in and particularly described in and by a certain Schedule annexed to this present Act, over and above the Rates of Tonnage payable to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns; but it shall and may be lawful for the said Commissioners, or any Seven or more of them, from Time to Time, as they shall see Occasion, to alter the said Rates for Carriage or Riverage, by diminishing or raising the same, as the Case may require, upon a due Investigation and Consideration of the Price of Barges and their Tackle, and of Horses and their Provender, and the necessary Labour for working the said Boats, Barges, or other Vessels; and it is hereby declared and enacted, that the Owners of or Persons navigating the said Boats, Barges, or other Vessels, shall be and they are hereby authorized and empowered to sue for, recover, and receive the said Rates of Carriage or Riverage, in the same Manner, and by the same Means and Methods, as the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, are herein-before authorized and empowered to recover and receive the said Rates of Tonnage, together with the Costs and Charges of suing for and recovering the same.

Rates of Carriage or Riverage.

XXI. Provided always, and be it further enacted, That if at any Time the Owners of or Persons navigating the said Boats, Barges, or other Vessels, shall ask, demand, or receive any higher or greater Rate for Tonnage, Carriage, or Riverage, than they are or shall be legally entitled to by virtue of this present Act, or of any Rates to be from Time to Time made and published under and by virtue hereof, with respect to the Carriage or Riverage, that then every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, to be sued for, recovered, and applied in manner herein-after mentioned.

Penalty on Barge Owners taking greater Rates than allowed.

XXII. And be it further enacted, That every Master, Owner, or other Person employing, using, working, or having any Boat, Barge, or Vessel in, upon, or within the Limit of the said Navigation, shall from Time to Time, and at all Times hereafter, upon Request to him, her, or them, or to his, her, or their Clerk or Clerks, Agent or Agents, made for that Purpose, accept and take, or fetch and put in or on board his, her,

Compelling Barge Owners to carry Goods.

or their Boat or Boats, Barge or Barges; and other Vessels, and carry and convey upon the said Navigation all such Goods, Wares, and Merchandize, as he, she, or they may be so required to fetch or put on board, carry and convey as aforesaid, and which may be lying in or upon the present Wharf or Quay at *Northam*, or in or upon any Quay, Wharf, Storehouse, or Landing Place belonging to the said Proprietors of the said Navigation, or in any Ship or Vessel lying and being within the Limits of the said Navigation, or which may be brought and tendered to him, her, or them, or his, her, or their Clerk or Clerks, Agent or Agents, in or upon any Wharf, Boat, Barge, or Vessel respectively belonging to such Master, Owner, or other Person as aforesaid; and that every such Master, Owner, or other Person as aforesaid, who shall, after any such Request made to him, her, or them, refuse to fetch, accept, and take into or upon any such Wharf, Boat, Barge, or other Vessel, any Goods, Wares, or Merchandize which may be lying or being in or upon the said Wharf at *Northam*, or any Quay, Wharf, Storehouse, or Landing Place, or any Ship or Vessel within the Limits aforesaid, or which may be brought and tendered to him, her, or them, his, her, or their Clerk or Clerks, Agent or Agents, in or upon any such Wharf, Boat, Barge, or other Vessel respectively belonging to such Master, Owner, or other Person as aforesaid, or having fetched, accepted, or taken the same in, upon, or unto any such Boat, Barge, or other Vessel, shall, after the Lading or Acceptance of any such Goods, Wares, or Merchandizes as aforesaid, omit or neglect forthwith to carry or convey the same, or any Part thereof, to the Place or Places of Destination of such Goods, Wares, and Merchandize respectively, shall for every such Offence forfeit and pay unto the Owner or Owners, Consignee or Consignees of any such Goods, Wares, and Merchandize, the Sum of Forty Shillings for every Ton Weight or less Quantity thereof, to be recovered in a summary Way by Information and Conviction before any Three or more of the said Commissioners, upon the Oath of any One or more credible Witness or Witnesses, and to be levied by Warrant of Distress against and upon the Goods and Chattels of any such Offender, in like Manner as herein-after is directed, unless any such Master, Owner, or Person shall, at the Time of such Request, Refusal, or Neglect, not have any Boat, Barge, or other Vessel, either wholly or in part unemployed or unengaged in, upon, or within the Limits aforesaid, or be prevented from fetching, carrying, or conveying any such Goods, Wares, or Merchandize, by reason of the Locks or other Works of the said River being then under or out of Repair, or by reason of any other Matter or Cause which to the said Commissioners shall appear a reasonable or sufficient Excuse for such Refusal or Neglect: Provided always, that Salt, Corn, and all other Goods of a perishable Nature, or that may receive Injury by Detention, shall have a Priority in Turn for Conveyance to Coals, Culm, Timber, and other Goods not of a perishable Nature: Provided always, that such Master, Owner, or other Person or Persons, shall not be compellable to proceed in carrying and conveying in manner aforesaid, until he or they shall have accepted and taken in the Whole a Cargo to the Amount of Fifteen Tons, or until a Cargo to that Amount in the Whole shall have been brought and tendered to him as aforesaid, or unless the Owner or Owners of a Cargo to a less Amount shall consent to pay for the same as and for a Cargo to the Amount of Fifteen Tons.

Perishable
Goods to
have a Pre-
ference.

XXIII. Provided always, and be it further enacted, That for the better Regulation of all Persons using the said Navigation, and for the more readily enforcing the Provisions of the said Three recited Acts and of this present Act, every Boat, Barge, or other Vessel, which from and after the passing of this Act shall be worked, used, or navigated in, upon, or within the Limits of the said Navigation, shall be entered and registered with the Clerk to the said Commissioners in a Book or Books to be by him kept for that Purpose; and that the Person or Persons claiming the Property in any such Boat, Barge, or other Vessel, shall cause the same to be so registered, and shall obtain a Certificate of such Registry from the said Clerk; and that every such Register and Certificate respectively shall truly set forth the Burthen and Size of the said Boat, Barge, or other Vessel, and also the Name or Names, with the Place or Places of Abode of the Owner or Owners, Master, or Person having the Charge or Command thereof, for which Registry and Certificate so to be granted the Clerk to the said Commissioners shall be entitled to demand and receive from the Person making such Registry and granting such Certificate the Fee of Five Shillings; and no more; and if any Boat, Barge, or other Vessel as aforesaid shall be worked, used, or navigated in, upon, or within the Limits of the said Navigation, without being duly registered, and a Certificate thereof duly obtained according to the Directions of this Act, the Owner or Owners, Master or Masters, or other Person having or taking the Charge or Command thereof, shall for every Day in which such Boat, Barge, or other Vessel shall be worked, used, or navigated as aforesaid, contrary to this Act, and shall be thereof convicted before any Three or more of the said Commissioners, shall forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings.

Barges, &c.
to be re-
gistered.

XXIV. And be it further enacted, That every Owner, Master, or Person, having the Care or Conduct of any Boat, Barge, or other Vessel navigating and passing upon the said River, or any Part thereof, shall cause the Name of such Owner, and the Number of such Boat, Barge, or other Vessel, to be painted in large White Capital Letters and Figures upon a Black Ground, Four Inches high, and of a proportionate 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 is fully laden; and shall also fix on each Side of such Boat, Barge, or other Vessel respectively, correct Indexes, of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Height, and under such Regulations, as the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, shall from Time to Time point out and direct, so that the true Weight of the Lading on board may at all Times be thereby ascertained and shewn; and that the Owner, Master, or other Person, having the Care or Conduct of every such Boat, Barge, or other Vessel, shall permit and suffer the same respectively to be gauged or measured, at the Expence of the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, when required by such Person and Persons as shall be appointed by them for that Purpose, so that no such Boat, Barge, or other Vessel shall be gauged or measured more than Four Times in any One Year; and that every Owner, Master, or other Person, having the Care or Conduct of any Boat, Barge, or other Vessel, who shall neglect or refuse to put thereon the Owner's Name and Place of Abode, and such other Marks and Numbers as are herein-before directed, or shall alter,

The Names
of the Own-
ers of Boats
are to be
painted on
the Outside.

Boats may be
gauged when
required.

erase,

erase, or deface any Letters or Figures describing such Name, Place of Abode, Marks, or Numbers as aforesaid, or shall refuse to permit such Boat, Barge, or other Vessel to be gauged or measured as aforesaid, or shall cause or permit such Boat, Barge, or other Vessel, navigating upon the said River to be loaded or unloaded without a Stage being laid upon the Gunwale of such Boat, Barge, or other Vessel to the Bank of the said River, in order to prevent any Dirt or Rubbish falling into the same, shall for every such Offence forfeit and pay a Sum not exceeding Twenty Shillings, to be recovered by Distress or Sale, or by Action of Debt, or on the Case, as herein-before is mentioned.

Owners of Boats to be answerable for Damages done.

XXV. And be it further enacted, That the Master or Owner of every Boat, Barge, or other Vessel navigating or passing upon the said River, or any Part thereof, shall be and is hereby made answerable for all such Damage, Spoil, or Mischief, as shall be done by his Boat, Barge, or other Vessel, or the Horses used in drawing the same, or by any of the Boatmen, Bargemen, or Watermen, or others belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Stop Gates, and other Gates, Toll Houses, or other Works in, upon, and near the said River, or any Part thereof, or any Trenches, Sluices, or Passages belonging to the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, or by loading or unloading any Boat, Barge, or other Vessel; and for any Trespass or Damage that shall or may be done to the Owners or Occupiers of any Buildings, Lands, or Tenements adjoining or lying near the same, by leaving open Gates or otherwise, and for any Trespass whatever, contrary to the several Directions and Restrictions in this Act contained, or any of them; and the said Master or Owner of such Boat, Barge, or other Vessel, shall, upon Conviction of the Person or Persons doing such Damage before any Justice of the Peace for the County or Place where such Offence shall be committed; either by the Confession of the Party or Parties offending, or upon the Oath of any credible Witness (which Oath such Justice is hereby empowered and required to administer), forthwith pay to the Person or Persons injured the Damage to be ascertained by such Justice, in case the same do not exceed the Sum of Twenty Pounds, and all the Costs, Charges, and Expences attending such Conviction, and such Damages, Penalties, and Costs shall be recovered by Distress and Sale, or by Action of Debt, or on the Case, as herein-before is mentioned; but if the said Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Master or Masters, Owner or Owners of such Boat, Barge, or other Vessel, shall and may be sued and prosecuted for the same in any of His Majesty's Courts of Record at *Westminster*; and if a Verdict be found against him or them, or Judgment be given against him or them upon Demurrer, or by Default, the Plaintiff in such Case shall recover his Damages thereby sustained with full Costs of Suit.

Masters to recover back from their Servants any Sums paid for their Neglect or Default.

XXVI. And be it further enacted, That in case the Owner or Owners of any Boat, Barge, or other Vessel navigating on the said River shall be compelled to pay any Penalty, or to make Satisfaction for any Damage by reason of any Neglect or Default done or committed by his, her, or their Servant, such Servant shall be liable to repay such Penalty or Satisfaction to such Owner or Owners; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner or Owners of the Payment

ment by him, her, or them of such Penalty or Satisfaction, and that the same hath not been repaid to him, her, or them by such Servant, although demanded, (such Oath to be made before One Justice of the Peace), the same Penalty and Satisfaction shall be levied by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, when recovered, shall be paid to such Owner or Owners in discharge of such Penalty and Satisfaction so by him, her, or them paid for the wilful Act or Default of such Servant as aforesaid; and in case no sufficient Distress can be had, such Justice of the Peace shall, and is hereby required, to commit such Servant to the Common Gaol or any House of Correction for the said County, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

XXVII. And be it further enacted, That no Boatman, or his Agent or Servant managing any Boat, Barge, or other Vessel, upon the said River, and passing with such Boat, Barge, or Vessel, through any Lock to be made upon the same, 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 River, shall shut the lower Gates of such Lock before he shall draw the Cloughs of the upper Gates thereof, and after he shall have brought his Boat, Barge, or other Vessel into the said Lock, shall shut the upper Gates before he shall draw the Cloughs of the lower Gates thereof; and in going up the said River shall, as soon as he shall have passed with his Boat, Barge, or other Vessel out of the said Lock, shut the upper Gates thereof, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Boat or other Vessel in Sight of the said Lock, coming down the River, in which Case the lower Gates of the said Lock shall be left shut, and the upper Gates shall be left open; and at all Times the Vessel going up the said River, if within Sight of and at a Distance not exceeding One hundred Yards below the Lock, shall pass through such Lock before the Vessel coming down, and then the Vessel next above shall come down; and if there shall be more Vessels than One below, and One above any Lock at the same Time, within the Distance aforesaid, (at which Distance a Post or Mark shall be set up 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, in order that One Lock full of Water may serve Two Vessels; and that every Person offending in any of these Particulars shall, for every such Offence, forfeit a Sum not exceeding Forty Shillings nor less than Twenty Shillings, to be recovered by the Ways and Means herein-before mentioned.

XXVIII. Provided always, and be it further enacted, That the said Regulation for passing the Locks on the said River, and otherwise navigating the same, shall only be adopted, practised, and carried into Effect, at such particular Locks and Places, and at such Times, as the Nature of the said Navigation will admit of, and that no Penalty shall be incurred by, nor shall any Prosecution be commenced against, any Person or Persons navigating on the said River, for not conforming to the said Regulations

Regulations
for passing
Locks.

Proviso that
Regulations
may be dis-
pensed with
in certain
Cases.

lations on any Part of the said River in which the same shall and may be deemed impracticable; the Practicability of which, and the Noncompliance with the said Regulations, it shall and may be lawful for the said Commissioners, or any Seven or more of them, to enquire into, ascertain, and determine by such Evidence, and such Ways and Means, as they shall deem proper, sufficient, and expedient.

Impracticability not to be pleaded for Injury done to Woodmill Lock.

XXIX. Provided nevertheless, and be it enacted, That nothing herein contained with respect to such Impracticability shall or may be pleaded in Defence or Extenuation of any Loss, Damage, or Injury that may be done to a certain Lock situate close to *Woodmill*, or to the Fisheries adjoining thereto, for which Damage or Injury special Provision is hereinafter enacted.

The Regulations and Management of the Hatches, Sluices, and Locks, to be as heretofore.

XXX. And be it further enacted, That, in order to prevent an improper Use of the Water in the said River, either by permitting the same to be too low for the Purposes of the Navigation thereof, or so high as that the same may overflow the Lands adjoining the same, to the Detriment of the Owners or Occupiers thereof, all Persons navigating the same with Boats, Barges, or other Vessels, or in any Way concerned in the Regulation and Management thereof, shall and they are hereby required to regulate, manage, and keep all the Hatches, Sluices, Locks, and other Works on the said River, in such a Manner and in such State as the same has been usually accustomed to be regulated, managed, and kept before the passing of this Act, except as to that Part of the said River extending from *Stoke Lock* to *Mansbridge Lock* aforesaid, which shall, so soon as the several Reaches between the said Locks, or such of them as shall require the same, shall have been scoured, cleansed, and deepened, be regulated, managed, and kept in manner herein-before mentioned, and also except to such Hatches, Sluices, Locks, or other Works, for which special Provision is made in and by this Act; and if any Person shall act contrary hereto, or offend herein, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

LockKeepers not to give undue Preference to Boats.

XXXI. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, shall give any Preference, or shew any Partiality to any Boat, Barge, or other Vessel, in passing through any Lock upon the said River, or in loading or unloading any Goods, Wares, or Merchandize at any of the Wharfs, Warehouses, Weigh Beams, Cranes, and other Machines belonging to the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings nor less than Twenty Shillings, for the Use of the Poor of the Parish where the Offence shall be committed, to be recovered by the Ways and Means herein-before mentioned.

Boats under 20 Tons not to pass Locks but on certain Conditions.

XXXII. Provided always, and be it further enacted, That no Boat, Barge, or other Vessel, liable to pay any Tonnage under this Act, of greater Burthen than Forty-five Tons, or of less Burthen than Twenty Tons, shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said *George Hollis* and *Harry Baker*, their

Heirs

Heirs or Assigns, or their principal Agent, in Writing first had and obtained, unless the Owner, Master, or Person having the Care of such Boat, Barge, or other Vessel shall pay the same Tonnage as for a Boat or Vessel of Twenty Tons Burthen.

XXXIII. And be it further enacted, That if any Boat, Barge, or other Vessel shall be wilfully or negligently placed on any Part of the said River, Trenches, Sluices, or Passages aforesaid, so as to obstruct the Navigation or Passage thereon respectively, and the Person having the Care of such Boat, Barge, or other Vessel shall not immediately remove the same upon Request made for that Purpose, he shall for every such Offence forfeit a Sum not exceeding Five Pounds nor less than Forty Shillings, and shall moreover forfeit a Sum not exceeding Five Shillings nor less than One Shilling for every Hour such Obstruction shall continue after such Request shall be made for the Removal thereof as aforesaid; and that it shall be lawful for any Agent or Servant of the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, to cause any such Boat, Barge, or other Vessel to be unladen, if necessary, and to be removed in such Manner as shall be necessary for preventing further Obstructions, and to seize and detain such Boat, Barge, or other Vessel, and the Lading thereof, or any Part of such Lading, until the said Penalties and Charges of such Removal be paid; and that if any Boat, Barge, or other Vessel shall be sunk in the said River, Sluices, or Trenches aforesaid, and the Owner or Person having the Use or Care of such Vessel shall not without Loss of Time weigh or draw up the same, it shall be lawful for any Agent or Servant of the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, to cause such Boat, Barge, or Vessel to be weighed or drawn up, and to detain and keep the same until Payment be made of all Expences necessarily occasioned and relating thereto.

Boats obstructing the Navigation to be removed.

Boats sunk to be weighed up.

XXXIV. And be it further enacted, That if any Person or Persons shall float any Timber upon the said River, or shall float any Boat or Vessel with Timber, so that the same shall be over the Side of such Boat or Vessel, or shall overload any Boat, Barge, or other Vessel navigating upon the said River, so as to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given to the Owner or Person having the Care of such Boat or Vessel so obstructing the Passage, hale or draw back such Boat or Vessel into such Place or Places in such River as are and shall be of a sufficient Width for Boats or other Vessels to pass each other, every such Owner or Owners, Person or Persons floating such Timber, or having the Care of such Boat or Vessel, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings; and if any Person or Persons shall wilfully throw any Ballast, Gravel, Stones, Rubbish, or other Matters or Things, into any Part of the said River, or any Trenches, Sluices, or other Works belonging to the same, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings, to be recovered by the Ways and Means herein-before mentioned.

Penalty on Persons obstructing the Navigation.

XXXV. And be it further enacted, That nothing in this Act contained shall extend or be construed to restrain or hinder any Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds through

Lords of Manors and Owners of Land not to be restrained

from erecting
Wharfs,
Quays, &c.
within their
Manors or
Lands.

through which the said River runs and passes, from making, erecting, or using any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon their own respective proper Lands, Grounds, or Wastes adjoining or near to the said River, or from landing any Goods or Merchandize or other Things thereupon, or upon the Banks lying between the same and the said River, or from making and using proper and convenient Places for Boats, Barges, or other Vessels to lie in, turn, or pass by each other, so that the erecting or using thereof respectively shall and do not obstruct or prejudice the Navigation of the said River, or the Towing Paths on the Side thereof; and all Rates, Dues, and Duties that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be and the same are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners of such Lands or Grounds, or Wastes, who shall make and erect such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, upon their respective own proper Lands, Grounds, or Wastes respectively, his, her, or their Heirs and Assigns, so that the Rates and Duties hereby granted to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, for Tonnage, shall not be thereby reduced or altered.

The River
between
Stoke Lock
and Mans-
bridge Lock
to be cleans-
ed and deep-
ened, and
Works re-
paired.

XXXVI. And whereas the said River, as the same is now navigated, partly consists of the old River made navigable and passable under and by virtue of the said first mentioned Act, and adapted as far as the Part of it can be to the Purposes of Navigation by Boats, Barges, and other Vessels, and partly of new Cuts which are capable of being formed more correctly upon the Principles of Canal Navigation than they now are: And whereas in particular a certain Part of One of the new Cuts, extending from *Stoke Lock* to *Mansbridge Lock*, is at present inconvenient for Navigation by reason of certain Shoals therein, the Removal of which, and the bringing that Part of the said River as nearly as the Construction and Situation of the present Locks, called *Stoke Conigar*, *Chicken Hall*, *Decoy Pond*, *Sandy*, and *Mansbridge Locks*, will admit, would improve the said Navigation and prevent a Waste of Water; be it therefore further enacted, That the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, shall and may, and they are hereby required to scour, cleanse, and deepen that Part of the said Cut extending from *Decoy Pond Lock* to *Mansbridge Lock*, and remove the Shoals therein, so as to make the Bed or Bottom of the River as nearly level as the present Construction and Situation of the said Locks will admit, and put the several Locks and Works in good and sufficient Repair before the End of the Year One thousand eight hundred and two, and that Part of the said Cut extending from *Stoke Lock* to *Decoy Pond Lock* before the End of the Year One thousand eight hundred and three; and also shall and may, and they are hereby required, within Three Years from the Time of passing this Act, to scour, cleanse, and deepen, by Removal of Shoals or other Obstructions, all other Parts of the said River, and put the Locks and other Works in good and sufficient Repair for the convenient Navigation thereof.

If Proprie-
tors shall not
cleanse River
and repair
Works, the

XXXVII. And be it further enacted, That in case the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, shall fail or neglect to scour, cleanse, and deepen the said River in manner herein-before required, or
to

to repair and keep in Repair the said Locks, Sluices, Hatches, and other the Works of the said River necessary for the Navigation thereof, for the Space of Three Months next after the particular Periods herein-before directed as to particular Parts of the said River, or next after the Times to be appointed for those Purposes by the said Commissioners, or any Seven or more of them, at any future Period after the End and Expiration of Three Years from the passing of the said Act, before the Expiration of which Time the said River and the Works thereto belonging are hereby required to be put in sufficient Repair, then and in such Case it shall and may be lawful to and for every or any of the Owners or Occupiers of the adjacent Lands or Grounds, or of any other Person injured thereby, who shall find themselves or himself aggrieved by any such Failure or Neglect, to cause the necessary Reparations to be made that shall remove and remedy the Injury and Damage that such Owner or Occupier, or other Persons injured thereby, shall sustain or have sustained in all such Places as the said Commissioners, or Seven or more of them, shall have before directed or appointed to be repaired and amended, scoured, cleansed, and deepened by the said *George Hollis* and *Harry Baker*, their Heirs and Assigns as aforesaid (in case upon Application to the said Commissioners, or any Seven or more of them, after Three Calendar Months previous Notice to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, or his or their Clerk or Clerks at the River Compting House at the Wharf near *Winchester* aforesaid, of such intended Application, the said Commissioners, or any Seven or more of them, shall authorize and direct such Repairs as aforesaid); and all the reasonable Costs and Charges thereof respectively shall be settled and allowed by the said Commissioners, or any Seven or more of them, and shall be repaid to the said Owners or Occupiers of the said adjacent Lands or Grounds, or of any other Person injured thereby, who shall have repaired the said Works on the said River, or scoured, cleansed, and deepened the same by the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, within the Space of Twenty Days next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners, or any Seven or more of them, shall and they are hereby authorized and required, by Order under their Hands and Seals, to appoint One or more Person or Persons from whom the Commissioners shall take a proper Security to receive the Rates or Duties of Tonnage hereby granted or made payable to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, and to direct that the same shall, in Priority of the Claim or Claims of any other Person or Persons having any Right of Payment in or from the said Rates or Duties, be paid to the said Person or Persons who shall have so caused the said Works on the said River to have been repaired, or the said River to have been so scoured, cleansed, and deepened.

Land Owners, &c. may, by Order of Commissioners.

XXXVIII. Provided always, That no Order for the Reparation of any of the Works on the said River, or for scouring, cleansing, or deepening the same, shall be made on the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, but at a public Meeting of the said Commissioners, of which Ten Days Notice at least shall have been given to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, or his or their Clerk or Clerks at the Compting House situate at the Wharf near *Winchester*

Proviso that Proprietors shall have Notice of Meeting to make such Order.

aforesaid, and in which said Notice shall be specified and described the particular Situation and Nature of the said Repairs so required, and of the Places that are supposed to be in want of being scoured, cleansed, and deepened, in order that the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, may have full Opportunity to enquire into the same before such Meeting.

Lock at
Woodmill to
be repaired
in 12 Months.

XXXIX. And be it enacted, That in case the Lock situate close by *Woodmill*, to which the Tide flows up and generally terminates, shall not, in Twelve Months after the passing of this Act, be put into proper and complete Repair by the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, it shall and may be lawful for the said Lord Bishop of *Winchester*, his Lessee or Lessees, his or their Tenants or Under Tenants, to apply to the said Commissioners, and they, or any Seven or more of them, are hereby authorized and required, by Order made under their Hands and Seals, to appoint One or more Person or Persons, from whom the Commissioners shall take a proper Security, to receive the Rates or Duties hereby granted or made payable, and to direct that the same shall, in Priority of the Claim or Claims of any other Person or Persons having any Right of Payment in or from the said Rates or Duties, be paid to the said Lord Bishop of *Winchester*, his Lessees or Lessee, Tenants or Under Tenants, until the said Lock be put into proper and complete Repair, together with the Costs and Charges of recovering or receiving the same, shall be fully satisfied.

Of 35 G. 3.
Provision for
Recovery of
Damages
repealed.

XL. And whereas Provision was made in and by the said Act of the Thirty-fifth Year of His present Majesty for the Recovery of any Damage, Injury, or Loss that should be sustained by the Lord Bishop of *Winchester*, his Lessee or Lessees, his or their Tenants or Under Tenants, in respect to a certain Fishery, or to the Mills situate at *Woodmill*, to which the Tide flows: And whereas the Provision therein made for the Recovery of such Damage, Injury, or Loss is not sufficient; therefore be it enacted, That so much of the said Act as specifies the particular Mode of recovering such Damage, Injury, and Loss, be repealed.

Proprietors
to make
Compensa-
tion for Da-
mages done
to the Fishery
or Mill at
Woodmill.

XLI. And be it further enacted, That in all Cases where any Damage or Injury to the said Fishery and Mills aforesaid shall be done by the Proprietor or Proprietors of the said Navigation, or by his or their Agents or Workmen, or by the Master or Owner or Owners of any Boat, Barge, or other Vessel registered in manner herein-before provided, and navigating in such Boat, Barge, or other Vessel on the said Navigation, or by any other Person or Persons having the Care and Management of such Boat, Barge, or Vessel, for and on behalf of such Master, Owner or Owners, or any Loss whatever shall thereby be sustained by the said Lord Bishop of *Winchester*, his Lessee or Lessees, his or their Tenants or Under Tenants, in respect to the said Fishery or Mills, the same shall from Time to Time, as often as the same shall happen, be made good, and paid by the said Proprietor or Proprietors, to the said Lord Bishop of *Winchester*, his Lessee or Lessees, his or their Tenant or Under Tenants, and the Proprietor or Proprietors of the said Navigation shall and is and are hereby made answerable for all such Damage, Injury, or Loss; and the said Bishop of *Winchester*, his Lessee or Lessees, his or their Tenants or Under
Tenants,

Tenants, in case of Nonpayment thereof within Thirty Days after the same shall be sustained, shall and may apply to the said Commissioners, and the said Commissioners, or any Seven or more of them, are hereby authorized and required (Proof having been first made to the said Commissioners of Application having been made to the Proprietor or Proprietors of the said Navigation, by the said Lord Bishop of *Winchester*, his Lessee or Lessees, his or their Tenants or Under Tenants, for the Amount of the Damage, Injury, or Loss so sustained by them, and they the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, having made Default in Payment), by Order under their Hands and Seals, to appoint One or more Persons, from whom the Commissioners shall take a proper Security to receive the Rates or Duties hereby granted or made payable, and to direct the Person or Persons so to be appointed to pay the same to the said Lord Bishop of *Winchester*, his Lessee or Lessees, his or their Tenant or Under Tenants, until the Damage, Injury, or Loss so sustained in respect to the said Fishery and Mills, together with the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid; or otherwise, that the same may be sued for and recovered from the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, together with full Costs, by Action of Debt, in any of His Majesty's Courts in *Westminster*, or at the Election of the said Lord Bishop of *Winchester*, his Lessee or Lessees, his or their Tenant or Under Tenants, may be recovered by Distress and Sale of the Goods and Chattels of the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, in such Manner as the Law directs in case of Distress for Rent.

XLII. And be it further enacted, That in case of any Dispute respecting any such Damages, Injury, or Loss that has been or shall be sustained by the said Lord Bishop of *Winchester*, his Lessee or Lessees, Tenants or Under Tenants, the same shall be estimated and ascertained in the same Manner as any other Damage, Injury, or Loss sustained by any other Person or Persons in consequence of this or any former Acts, is in and by this or by any of the former Acts directed to be estimated and ascertained.

How Damages shall be ascertained.

XLIII. And be it further enacted, That no House, Stable, Warehouse, or other Building, shall be erected or built near to the Lock at *Woodmill*, without the previous Consent of the said Bishop of *Winchester*, and his Lessee or Lessees, his or their Under Tenant or Under Tenants of the Fishery and Mills at *Woodmill* aforesaid, being first obtained in Writing under their Hands and Seals; and that in case any House, Stable, Warehouse, or other Building shall be erected without such Consent as aforesaid, it shall be lawful for the said Bishop of *Winchester*, his Lessee or Lessees, his or their Under Tenant or Under Tenants, to take, pull down, or remove such House, Stable, Warehouse, or other Building, without being guilty of any Trespass, or liable to any Action or Prosecution for so doing.

No House to be built near Woodmill Lock without Leave of the Bishop of Winchester, or his Lessee.

XLIV. And be it further enacted, That if any Person or Persons shall wantonly, carelessly, or negligently open, or cause to be opened, any Lock Gate, or any Paddle, Valve, or Clough belonging to any Lock now existing, or to be erected on the present Navigation, or suffer any Boat, Barge, or other Vessel to strike or run upon any of the Bridges or

Inflicting a Penalty on Persons wasting the Water, or doing any Damage.

Locks

Locks thereof, or shall wilfully, wantonly, and maliciously flush and draw off the Water from any Part of the said Navigation, or shall leave any of the said Valves or Cloughs open and running after any Boat, Barge, or other Vessel shall have passed any such Lock, or shall wilfully or maliciously do any other Act to the Prejudice of the said Navigation, or of the Property of any Person or Persons possessing or occupying any Lands, Mills, or other Premises adjoining to the said Navigation, every Person offending in any of the Particulars aforesaid, and being thereof convicted before One or more Justice or Justices of the Peace for the said County of *Southampton*, or for the Place or District wherein such Offence is committed, by the Oath of One or more Witness or Witnesses (which Oath such Justice or Justices is and are hereby respectively empowered to administer), shall forfeit and pay for every such Offence any Sum not exceeding the Sum of Five Pounds, nor less than Forty Shillings, at the Discretion of such Justice or Justices.

Proprietors
of River to
recover back
Damages
done by
Owners of
Barges.

XLV. Provided always, and it is hereby further declared and enacted, That in all Cases where such Injury or Damage to the said Fishery or Mills shall have been occasioned by the Mismanagement, Neglect, or Default of such Master, Owner, or Owners of any Boat, Barge, or other Vessel so registered as aforesaid, navigating on the said River, or by any other Person or Persons having the Care and Management of such Boat, Barge, or other Vessel, for or on behalf of such Master, Owner or Owners, the said Master, Owner or Owners, shall, within Thirty Days after the said *George Hollis* and *Harry Baker* shall have paid and made good the Amount of such Injury or Damage, repay the same to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns; and in default of Payment thereof within the Time aforesaid, the same shall be levied and recovered by the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, against such Master, Owner or Owners, in an Action of Assumpsit for so much Money paid, laid out, and expended, to and for the Use of such Master, Owner or Owners.

Rights of
Bishop of
Winchester,
and his Les-
see, &c. to
navigate Sea
Boats, re-
served.

XLVI. And be it further enacted, That nothing in this or any of the said former Acts contained shall in anywise lessen or impeach the Right the Lord Bishop of *Winchester*, his Lessee or Lessees, his or their Tenant or Under Tenants of the said Mill called *Woodmill*, or of any other Person or Persons possessing Lands adjoining to the said River between the said Place called *Woodmill* and *Northam*, has or have exercised from Time immemorial of navigating on the said River to and from *Woodmill* to *Northam*, and to and from *Northam* to *Woodmill*, without paying any thing for the Exercise of such Right to the Proprietor or Proprietors of the said Navigation, in and with any Vessel or Vessels of every Description fit or used to go to Sea, or not being such as are usually employed in the Navigation of the said River.

Proprietors
not to take
Wharfage at
the Wharf at
Woodmill:

XLVII. And whereas a certain Wharf and Storehouse have been erected near the Lock at *Woodmill* aforesaid by and at the Expence of the Tenant or Occupier of the said Mill; be it enacted, That nothing in this or any of the said former Acts contained shall authorize the Proprietor or Proprietors of the said Navigation to demand or receive from the Tenant or Occupier of the said Mill any Sum or Sums of Money for the landing or depositing at such Wharf, or in such Storehouse, any Articles
necessary

necessary for carrying on the Trade or Occupation of the Tenant or Occupier of the said Mill.

XLVIII. Provided also, and be it enacted, That nothing in this or any of the former Acts contained shall impeach or lessen any Rights or Privileges to which any Person or Persons is or may be entitled with respect to the said Navigation, in any Lands or Premises adjoining thereto, between the said Place called *Woodmill* and *Northam*, or construed as subjecting such Person or Persons to the Payment of any Tolls or Dues to the Proprietors of the said Navigation for the Exercise of such Rights in any Vessel or Vessels of whatever Description fit or used to go to Sea, or to impeach or lessen any Right or Privilege which any Person or Persons is or may be entitled to of making use of the Water out of the old River above *Woodmill* for the Purpose of watering any Lands or Meadows, or of supplying with Water any other Place or Places for the Preservation of Fish.

Nor Tonnage for certain Vessels navigating between *Woodmill* and *Northam*.

XLIX. And whereas it is expedient to provide for the making Bye-Laws, Rules, and Orders for regulating the said Navigation; be it further enacted, That the said Commissioners, or any Eleven or more of them, at a Special General Meeting to be called for the Purpose (of which Meeting Ten Days previous Notice shall be given, by a Writing affixed at the Market Cross in the City of *Winchester*, and by Advertisement in one of the provincial Newspapers circulated within the said County), shall from Time to Time have full Power and Authority, by any Writing or Writings under their Hands and Seals, to make, and from Time to Time, as they shall see Occasion, alter and vary such Bye-Laws, Orders, Constitutions, Rules, and Regulations, as they shall think proper, as well for securing a regular and orderly using of the said Navigation, Wharfs, Quays, Towing Paths, and Locks, by the Owners, Masters, and Persons having the Care or Conduct of Barges and other Vessels navigating the said River, as for enforcing a due and orderly Management of the Sluices and Hatches erected, or to be hereafter erected, in and on the said River, and the Banks on either Side thereof, so as that the said River may be used for the Purposes of the said Navigation, in such a Manner as to avoid Injury, as far as possible, to the Owners or Occupiers of Lands or Mills bordering thereupon, or lying near thereto, and to permit such Owners and Occupiers, and other Persons interested in the Use of the said River, after it shall have answered the Purposes of the said Navigation, using the same in the Manner and upon the Conditions that they, or any of them, have been accustomed to use the same at any Time before the passing of the said Three recited Acts or this Act, and in like Manner to make Orders for regulating the unloading Ships at *Northam*, and near *Southampton*, and the loading and unloading of Barges and other Vessels which are to be used in the said Navigation at the Quays at *Northam* and *Winchester*, and such other Orders and Rules as they shall judge necessary for the Management, Benefit, and Safety of the said Navigation, and for the well-governing of the Occupiers, Clerks, Barge Masters, Barge Men, and Boat Men, who shall convey Goods or navigate the said Barges and other Vessels up and down the said River, in order to ensure the due and orderly Management of the said Barges when navigating thereon, and the due keeping and regulating the Height of the Water in the several Reaches thereof: Provided always, that the Expence attending the making or

Powers to make and publish Bye-Laws.

Publication of any such Bye-Laws, Rules, or Orders, after the same shall have been ascertained by the said Commissioners, shall be paid and defrayed by the Person or Persons applying to the said Commissioners for the same; and that no such Bye-Laws, Rules, and Orders shall be in any Degree repugnant to the Law of the Land, nor in anywise alter or lessen any of the Provisions specifically made by the said Three recited Acts or by this Act, or any of the Decrees of the Commissioners appointed by the said first-mentioned Act: Provided also, that such Bye-Laws, Rules, and Orders shall be affixed on the Market Cross of the said City of *Winchester*, and hung up in the Office of the Proprietors of the said Navigation, for the Inspection and Perusal of all Persons interested therein.

Penalty on
Persons of-
fending.

L. And be it further enacted, That if any Person or Persons shall act contrary to or offend against any of the said Bye-Laws, Rules, and Orders, every such Person or Persons shall, upon Conviction before any Three or more of the said Commissioners in manner herein-after provided and directed, for every such Offence forfeit and pay any Sum not exceeding Five Pounds nor less than Forty Shillings.

Recompence
for Damages
may be settled
pursuant to
either of the
Acts.

LI. And be it further enacted, That in settling or ascertaining the Value of any Lands or Grounds to be taken or used for the Purposes of the said recited Acts or this Act, it shall and may be lawful to settle or ascertain the same pursuant to the Directions of either of the said recited Acts, in such Manner as the said Commissioners shall think proper and direct.

Proprietors
compellable
to keep
Barges in de-
fault of other
Persons.

LII. And whereas in and by the said Act, passed in the Thirty-fifth Year of the Reign of His present Majesty, the Proprietors of the said River, their Heirs and Assigns, are compelled to keep a sufficient Number of Barges, with necessary Tackle and Horses for the same, for the Use and Accommodation of the Trade and Commerce of and upon the said Navigation: And whereas the Mode of navigating the said River as provided for by this Act, not having been heretofore the Practice thereon, may not be immediately adopted, and there may not be any Boats, Barges, or other Vessels kept and navigated on the said River; be it therefore further enacted, That in case it shall at any Time or Times hereafter so happen, that the Number of Boats, Barges, or other Vessels kept or employed in the Navigation of the said River by the Proprietors of the said River, and any other Person or Persons, shall not amount to the Number of Five, that then and in such Case it shall and may be lawful to and for the said Commissioners, or any Seven or more of them, at any of their Meetings to be holden pursuant to the said several Acts and this present Act, upon Complaint made to them by any Person or Persons of a Deficiency in the Number of Boats, Barges, or other Vessels so to be kept as aforesaid, by Means of there being less than Five Boats kept and navigated as aforesaid, by any Writing under their Hands and Seals, to order and direct the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, to find and provide within Six Months, to be computed from the Date of such Order, One or more Barge or Barges, with necessary Tackle and Horses for the same, as may be wanting, and sufficient to make up, together with the Barge or Barges that shall or may be then kept and navigated by the said Proprietors, and any other Person or Persons upon the said River, the Number of Five Barges, with necessary Tackle and Horses for the same; and for which

which additional Barges the said *George Hollis* and *Harry Baker* shall be entitled to demand and receive the Rates for Carriage herein-before given and granted, over and above the said Rates of Tonnage; and in case the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, shall neglect or refuse to comply with such Order, that then he, she, or they shall be liable to answer for special Damages, with Costs of Suit, to be recovered by Action, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Wager at Law, or more than one Imparlance shall be allowed.

LIII. Provided always, and be it further enacted, That whenever the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, shall be compelled to keep any One or more Barges on the said River, in the Default of other Persons keeping and navigating Barges thereon, the Rates of Carriage or Riverage shall in no Case nor on any Account be less than the Rates fixed by this present Act; any thing in the said Three recited Acts or in this present Act contained to the contrary thereof in anywise notwithstanding.

When Proprietors compelled to keep Barges, the Rates of Carriage not to be lowered.

LIV. And whereas it would be highly inconvenient and injurious, as well to the Public as to the Proprietors of the said River, if the Owners of any Boats, Barges, or other Vessels that may hereafter be navigated on the said River, not being the Proprietors of the said River, should suddenly cease to navigate with such Barges or other Vessels, so as to impede and obstruct the Trade on the said River, and deprive the Public of the necessary Supplies usually conveyed thereon; be it further enacted, That no Owners or Owner of any Boats, Barges, or other Vessels at any Time hereafter to be navigated on the said River, shall cease to navigate the same until he shall have given Three Months Notice to the Proprietors of the said River of his, her, or their Intention to cease to navigate the said Boats, Barges, or other Vessels, or any of them; nor shall any Owners or Owner of any Boats, Barges, or other Vessels be at Liberty to sell or dispose of his, her, or their said Boats, Barges, or other Vessels, or any of them, to any Persons or Person that shall not be licensed to navigate them, and continue to navigate them, or any of them, on the said River in manner herein mentioned, until he, she, or they shall have given such Notice of ceasing to navigate them, or any of them as aforesaid, except unto the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, to whom he, she, or they shall and is and are hereby required to sell the same at a fair and just Valuation thereof by Two indifferent Persons, the one to be chosen by the Owners or Owner of such Boats, Barges, or other Vessels, of which such Notice as aforesaid of the Intention of ceasing to navigate the same shall have been given, and the other by the said *George Hollis* and *Harry Baker*, their Heirs and Assigns; and in case the said Two Persons so to be chosen shall not agree in such Valuation, the said Commissioners, or any Seven or more of them, at any of their Meetings to be holden in pursuance of this Act, shall and they are hereby required and empowered to nominate and appoint some Third Person to investigate the Valuations of the said Two Persons so to be chosen, and to determine by his Award in Writing what shall be the real and proper Value of such Boats, Barges, or other Vessels, or any of them, to be paid by the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, and which Determination of the said Third Person shall be final and conclusive; and

Barge Owners not to cease to navigate but on Three Months Notice.

and upon delivering to the said Owners or Owner of any such Boat, Barge, or other Vessel, or leaving at his, her, or their Dwelling House, or last Place of Abode, a Copy of such Award or Determination, and Payment or Tender of the Value thereof to the Owners or Owner thereof, they the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, shall be and they are hereby enabled and authorized to possess themselves of such Boats, Barges, or other Vessels, or any of them, that shall have been so valued and appraised to them, without being liable to any Action at Law for the same, or any Damages or Demands whatsoever; any Law or Usage to the contrary thereof in anywise notwithstanding.

A due Proportion of down Carriage secured to the Proprietors when compelled to navigate.

LV. And be it further enacted, That whenever the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, shall be so required to keep and navigate any Boat, Barge, or other Vessel on the said River, all and every Persons and Person trading thereon shall, Three Days at least before they shall send any Goods, Wares, and Merchandize down the said River by any Boat, Barge, or other Vessel navigated thereon, from the Wharf near *Winchester*, or from any other Place between the said Wharf and the Wharf or Quay at *Northam*, give Notice in Writing to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, at the River Compting House, situate at the aforesaid Wharf near *Winchester*, of the Sorts and Quantities of Goods, Wares, and Merchandize that they shall intend to send down the said River in any Boat, Barge, or other Vessel navigating thereon, and of the Days and Times when the same will be ready for Carriage thereon, so that the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, shall and may have a regular Turn and a fair and equitable Proportion of the down Carriage on the said River; and in default of giving such Notice the Persons or Person so making such Default shall forfeit and pay to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, the full Amount of the Carriage of every Ton of Goods that shall be so sent down the said River, without such Notice being given as aforesaid, for the whole Distance that the said Goods, Wares, and Merchandize shall be carried thereon, according to the Rates of Carriage that shall then be payable, over and above the Rates of Tonnage made payable to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, by this present Act; and such Forfeitures shall be recovered by Action at Law in the same Manner as in like Cases is herein-before directed by the said Three recited Acts or this present Act: Provided always, that the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, may at any Time, and in any Cases that shall appear necessary and proper by any Rule or Order in Writing under their Hands, dispense with such Notice being given to them in manner aforesaid.

Application of Compensation where exceeding 200l.

LVI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of the said recited Acts and this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, as in the said recited Acts particularly mentioned, such Money shall, in case the same shall amount to 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 there, *ex parte*

parte the Trustees for executing the said Acts and this Act, 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 or Hereditaments, in the Purchase or Redemption of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances, or Parts thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands 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 or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, 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 meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purpose aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

LVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands 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 or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in 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 Five or more of the said Commissioners (such Nomination and Approbation to be signified in 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 any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

[*Loc. & Per.*]

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LVIII. Pro-

Application where the Compensation does not exceed 200*l.* nor less than 20*l.*

Application
where the
Money is less
than 20%.

LVIII. 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 or Hereditaments so purchased, taken, or used for the Purposes of the said Acts and this Act, in such Manner as the said Commissioners, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Recovery of
Forfeitures
may be be-
fore One
Justice,

LIX. And be it further enacted, That all Penalties or Forfeitures for Offences against this Act, and for which no other Remedy is herein, or in the said Three recited Acts, specifically given and provided, shall, upon Proof of the Offences respectively before any Justice of the Peace for the said County of *Southampton*, or Place where the Offence shall be committed, either by the Confession of the Party or Parties, or by the Oath of any credible Witness, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Overplus, after any such Penalties or Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize for such Time as such Justice shall direct, not exceeding Two Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and such Penalties and Forfeitures shall go and belong to the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, and be applied for the Purposes of the said recited Acts and this Act, except such Penalties as shall by either of the said Three several recited Acts or this present Act be inflicted on the said *George Hollis* and *Harry Baker*, their Heirs and Assigns, which shall be applied to the Purposes directed in and by the said Three recited Acts, or either of them, and except Penalties incurred on account of Injuries done to Individuals, which last-mentioned Penalties shall go to the Party injured.

or before any
Three Com-
missioners.

LX. And be it further enacted, That the said Commissioners, or any Three or more of them, shall have Power, and are hereby authorized in a summary Way, upon Examination of the Parties, and all Witnesses to be produced by them upon Oath, to hear and determine all such Complaints and Informations as shall be made or laid against all and every Person and Persons accused of refusing to fetch, accept, or take into or on board his, her, or their Boat, Barge, or Vessel, any Goods, Wares, or Merchandizes, or neglecting to carry or convey the same, or any Part thereof, to the Place or Places of Destination pursuant to the Directions, and in manner and within the Time respectively herein-before appointed
and

and limited for that Purpose, or accused of any other Offence against or Noncompliance with, and offending against and not complying with the said recited Acts or this present Act, or any Bye-Law to be hereafter made in pursuance of this Act, and to award such Costs as to them the said Commissioners may appear just and reasonable, and upon Conviction of the Offender or Offenders to levy all such Fines, Penalties, or Forfeitures, as are by the said recited Acts or this Act made payable or inflicted for such Offences respectively, together with such Costs as aforesaid, by Distress and Sale of the Offender's Goods and Chattels (rendering the Overplus, if any, to the Offender or Offenders), by Warrant or Warrants under the Hands and Seals of the said Commissioners, or any Three or more of them, to be directed to the Constables, Tything-men, or other Peace Officers of the several Liberties and Places, wherein or near whereto any such Goods or Chattels shall be, and all Constables and other Officers are hereby commanded to obey and execute such Warrants accordingly; provided that every Person against whom any Complaint or Information shall be made or laid, at any or either of the said Meetings, shall have at least Three Days Notice of such Complaint or Information, under the Hands of Three or more of the said Commissioners, and that Service of any Warrant or Summons from the said Commissioners, or any Three or more of them, by and under the Authority of this Act or the said recited Acts, upon the Clerk or Clerks, Agent or Agents of any Person or Persons who shall be deemed or supposed to have offended against this Act, or either of the said recited Acts, shall be deemed and taken to be as good Service upon such Person or Persons as if he, she, or they themselves were actually and personally served therewith.

LXI. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding 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.

Persons aggrieved by Irregularity and Distress to recover special Damages.

LXII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every Justice or Justices of the Peace, and the Commissioners appointed by the said recited Acts and this Act, 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 like Effect, as the Case shall happen; *videlicet*,

to wit. } BE it remembered, That on the Day of
 before us } in the Year of our Lord A. B. is convicted
 of the Commissioners appointed to put in Execution
 the several Acts of Parliament relative to the Navigation of the River
Itchin, or me C. D. one of His Majesty's Justices of the Peace for the said
 County [or Place, as the Case may be, specifying the Offence, and Time
 and

Form of Conviction.

‘ and Place when and where the same was committed.] Given under my
‘ Hand and Seal the Day and Year aforesaid.’

Proceedings
not to be
quashed for
Want of
Form.

LXIII. And be it further enacted, That no Proceedings to be had or 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; any Law or Statute to the contrary notwithstanding.

Appeal.

LXIV. 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 Order or Determination of any Justice or Justices of the Peace, or any Three or more Commissioners, may, within One Month after such Order or Determination shall have been made or given, appeal to the Justices of the Peace at any General Quarter Sessions, to be held for the County or Place where such Cause of Appeal shall happen or arise, first giving Ten Days Notice at the least in Writing of such Intention to appeal to the Parties interested in such Complaint, and the said Justices shall, in a summary Way, hear and determine the said Appeal at such Sessions; or, if they think proper, may adjourn the Hearing thereof to the next General Court of Quarter Sessions of the Peace to be held for the said County or Place, and if they see Cause, may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Order or Determination; and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they in their Judgment shall think just and reasonable.

Limitation
of Actions.

LXV. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted against any Person or Persons for any thing done or to be done in pursuance of the said recited Acts or of this Act, or in the Execution of any of the Powers or Authorities, unless Twenty-eight Days previous Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the said *George Hollis* and *Harry Baker*, their Heirs or Assigns, or to their Clerk or Collector for the Time being, nor unless such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage, then within One Calendar Month next after the doing or committing such Damage shall cease, and not afterwards, and shall be laid or brought in the County where the Matter in Dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information 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 such Action, Suit, or Information shall have been brought or commenced before or after the respective Times so limited for bringing or commencing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer

suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, on a Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law.

LXVI. And be it further enacted, That all and every the Provisions and Clauses of this Act shall, in the Execution of the said Three recited Acts, be used, applied, and construed, so far as the same are applicable, in like Manner as if the same were specially enacted in the said Three recited Acts; and all and every the Provisions and Clauses of the said Three recited Acts shall, in the Execution of this Act, except where the same are hereby expressly varied, be used and applied, extended and construed in like Manner, as if the same Provisions and Clauses (except as aforesaid) were specially enacted in this Act.

Provisions of former Acts confirmed.

LXVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prejudice the Right of *Martha*, the Wife of *Joseph Barker*, Doctor of Physic, late *Martha Pyott* Widow, to a certain Annuity of Two hundred Pounds, payable Quarterly, or of *Martha Westlake*, Relict. of *Jacob Westlake* deceased, to a certain other Annuity of Fifty-five Pounds Thirteen Shillings, severally charged upon and payable out of the Right and Property of and in the said Navigation, nor any Remedy which they, or either of them, now have or hath, or which may have been heretofore given to them, or either of them, for Recovery of the same; but that it shall and may be lawful to and for the said *Martha Barker* and *Martha Westlake*, or any other Person or Persons entitled to the said respective Annuities, or any Part thereof, for the Time being, to recover the same, by all or any of the Means to her or them at any Time heretofore given for that Purpose.

Saving the Rights of Mrs. Barker and Mrs. Westlake.

LXVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prevent the landing of Goods or Articles of any Sort at *Northam* in the Parish of *Saint Mary's*, within the Precinct or Liberties of the Town and County of the Town of *Southampton*, and the said River *Itchin*, or the shipping of Goods or Articles therefrom, without Hindrance or Molestation; but that the Proprietor or Proprietors of the Wharf, Yard, or other Premises at *Northam*, his, her, or their Heirs, Executors, Administrators, or Assigns, shall enjoy all his, her, or their Rights, Privileges, and Advantages respecting the said Premises, in as full and ample Manner, and to all Intents and Purposes, as if this Act had not been made.

Saving the Rights of the Proprietors of Northam Wharf.

LXIX. Provided always, and be it further enacted and declared, That nothing in this Act shall extend to take away, alter, abridge, lessen, change, or intrude upon any Jurisdiction or Power of the Corporation of *Southampton*, or any Part thereof, in, about, or concerning the Docks, Piers, and Harbour of *Southampton*; and also saving and reserving to the said Corporation, and their Successors, all such Franchises, Liberties, Privileges, Town Tolls, and Town Customs or Dues, Admiralty Rights, Estates, and Interests whatsoever, which have been and now are held and

Saving the Rights of the Corporation of Southampton.

enjoyed, used, occupied, paid to, or taken and received by the said Corporation, or any Part thereof; any thing herein contained to the contrary notwithstanding.

General
Saving.

LXX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to the Lord Bishop of *Winchester* and his Successors, and also to all Bodies Corporate and Politic, the Rights, Privileges, Profits, and Advantages of all Tolls, Dues, Petty Customs, and other Dues which they of Right have or ought to have enjoyed, if this Act never had been made (except so far as the Rates and Prices of Tonnage and Wharfage, and of Carriage or Riverage, in and upon the said Navigation, are hereby altered); and saving also to all and every Person and Persons whomsoever, all and every the Rights, Titles, Interests, Claims, and Demands which they now have, or which are now held and enjoyed, as are or may be lawfully claimed in, to, or out of the said Navigation, and the several Profits, Duties, and Emoluments thereof; saving also to all and every the Proprietor or Proprietors, Occupier or Occupiers of any Mills or Meadows situated near to or adjoining the said River or Navigation, the Right of supplying such Mills, and watering such Meadows out of the said River or Navigation, in the same Manner as they have been heretofore lawfully entitled to be supplied and watered from the same previous to the passing this Act.

Public Act.

LXXI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and all Judges, Justices, and other Persons are hereby required to take Notice of it as such, without specially pleading the same.

SCHEDULE to which this Act refers.

Table of Rates to be taken by the Owners or Occupiers of Boats, Barges, or other Vessels, for the Freight or Riverage of Coals, Corn, Salt, Timber, Iron, and all other Goods, Wares, and Merchandize carried or conveyed up or down the Navigation of the River Itchin, over and above the said Rates of Tonnage payable to the Proprietors of the said River; (that is to say),

	<i>s.</i>	<i>d.</i>
For every Chaldron of Coals carried or conveyed from		
Northam to Mansbridge or West End Mills, the Sum of	-	1 3
——— to Bishops Stoke, the Sum of	-	2 0
——— to Shawford, the Sum of	-	2 9
——— to Winchester, the Sum of	-	3 0

For every Ton Weight of Corn or other Goods carried or conveyed from

Northam to Mansbridge or West End Mills, the Sum of	-	1 3
——— to Bishops Stoke, the Sum of	-	1 9
——— to Winchester, the Sum of	-	2 3
Bishops Stoke to Winchester, the Sum of	-	1 6
Mansbridge or West End Mills to Winchester, the Sum of	-	2 0
Winchester to Shawford, the Sum of	-	1 3
——— to Bishops Stoke, the Sum of	-	1 6
——— to Mansbridge or West End Mills, the Sum of	-	2 0
——— to Northam, the Sum of	-	2 3
Mansbridge or West End Mills to Northam, the Sum of	-	1 0
Bishops Stoke to Northam, the Sum of	-	1 6
Shawford to Northam, the Sum of	-	2 0

Exclusive of Tonnage, Wharfage, Porterage, Craneage, Weighing, and such like Extra Charges.

And all Packages or light Articles shall be estimated and paid for at and after the Rate of Thirty Tons for each Barge Load of Thirty Tons Burthen, and so in proportion for the Space that such light Goods shall occupy in the Stowage Room thereof.

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

PHYSICS 350

LECTURE 1

MECHANICS

1.1 Kinematics

1.2 Dynamics

1.3 Energy