



ANNO QUINQUAGESIMO QUARTO

GEORGI II. REGIS.

Cap. 176.

An Act for altering and enlarging the Powers of Two Acts of His present Majesty, for improving the Navigation of the River *Ouse*, in the County of *Suffex*. [28th June 1814.]

WHEREAS by an Act passed in the Thirtieth Year of the Reign of His present Majesty, intituled *An Act for improving, continuing, and extending the Navigation of the River Ouse, from Lewes Bridge, at the Town of Lewes, to Hammer Bridge, in the Parish of Cuckfield, and to the Extent of the said Parish of Cuckfield, and also of a Branch of the said River to Shortbridge, in the Parish of Fletching, in the County of Suffex*; certain Persons, therein named and described, were united into a Company, for carrying on, making, completing, and maintaining the said Navigation, by the Name and Style of *The Company of Proprietors of the River Ouse Navigation*; and the said Company were authorized to raise and contribute among themselves a competent Sum of Money for making, carrying on, and completing the said Navigation, and the other Works and Conveniences to the same belonging, not exceeding in the Whole the Sum of Twenty-five thousand Pounds, which was to be divided into Two hundred and fifty Shares of One hundred Pounds each: And whereas by another Act passed in the Forty-sixth Year of the Reign of His present Majesty, intituled *An Act for altering, amending, and rendering more effectual an Act passed in the Thirtieth Year of His present Majesty, for improving the Navigation of the River Ouse, in the County of Suffex*; the said Company of Proprietors were authorized and empowered to raise the Sum of Thirty thousand Pounds, or so much thereof as should

30G.3.c.52.

46G.3.c.122.

[Loc. & Per.]

be necessary, for the making, completing and maintaining the said Navigation and Works, over and above the said Sum of Twenty-five thousand Pounds, empowered to be raised by the said first recited Act, notwithstanding the said Sum of Twenty-five thousand Pounds had not been wholly raised by virtue of the Powers of the said Act; and such Money to be raised by virtue of the said Act now in recital should be applied in completing and preserving the said River to *Hammer Bridge*, and in executing the several Purposes of the said first recited Act and the said Act now in recital; and the said Company of Proprietors were thereby authorized and empowered to raise the said Sum of Thirty thousand Pounds, by borrowing and taking up at Interest or by way of Annuities, in Manner therein-after mentioned, any Sum or Sums of Money (not exceeding in the Whole the said Sum of Thirty thousand Pounds) upon the Credit of the Tolls payable by virtue of the said recited Act made in the Thirtieth Year of the Reign of His present Majesty: And whereas some of the Powers and Provisions of the said recited Acts have been found inadequate for the Purposes thereby intended, and the Tolls, Rates, and Duties granted by the said first recited Act have been found insufficient for the Support and Upholding of the said Navigation and Works; it is therefore requisite that the said Powers and Provisions should be altered, amended, and enlarged, and the said Tolls, Rates, and Duties increased: 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 the said recited Acts, and all and every the Tolls, Duties, Clauses, Powers, Exemptions, Rules, Remedies, Regulations, Penalties, Forfeitures, Articles, Matters, and Things whatsoever therein contained (save and except such Part or Parts thereof as are hereby altered, varied, or repealed) shall be and the same is and are hereby declared to be in full Force and Effect, and shall be as good, valid, and effectual, for carrying the Purposes of this Act into Execution, in as full, ample, and beneficial Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in this Act.

Powers of former Acts extended to this Act.

Clerk not to hold the Office of Treasurer.

II. And be it further enacted, That the present Clerk to the said Company of Proprietors, or any Person who shall hereafter be appointed Clerk to the said Company, shall not, during the Time he shall act as such Clerk be appointed to or capable of holding the Office of Treasurer to the said Company of Proprietors; and that Service on the Clerk, or Treasurer, to the said Company of all Writs, Process, Summonses, or other Proceedings, against the said Company of Proprietors, shall be deemed good and valid Service on the said Company of Proprietors, who shall thereupon appear, or cause Appearances to be entered thereto; any Thing in the said recited Acts or this Act, or any or either of them, to the contrary notwithstanding.

First and subsequent General Assemblies.

III. And be it further enacted, That the First General Assembly of the said Company of Proprietors, for putting the said recited Acts and this Act into Execution, shall be holden at the *Sheffield Arms* in the Parish of *Fletching*, upon the First Monday in *August* after the passing of this Act, between the Hours of Ten and Twelve in the Forenoon; and that all subsequent Assemblies or Meetings of the said Company of Proprietors shall

shall be held alternately at *Sheffield Green* and *Lindfield*; any Thing in the said recited Acts, or either of them, to the contrary thereof notwithstanding.

IV. And whereas the Tolls, Rates, and Duties granted and made payable by the said recited Act of the Thirtieth Year of the Reign of His present Majesty have been found insufficient for supporting and upholding the said Navigation and Works, and Payment of the Interest of the several Sums of Money borrowed for carrying on the same; be it therefore enacted, That from and after the passing of this Act all and every the Tolls, Rates, and Duties granted and made payable by the said recited Act of the Thirtieth Year of the Reign of His present Majesty, for the Passage of Boats, Barges, Lighters, or other Vessels upon the said River, and upon the said Cuts and Canals, and the said Branch of the said River, shall be and the same are hereby repealed.

Tolls, &c.
of Act of
30 G. 3.
repealed.

V. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, in lieu of the said former Tolls, Rates, and Duties, from and after the passing of this Act, to ask, demand, take, recover, and receive, to and for their own proper Use and Benefit, the several Tolls, Rates, and Duties herein-after mentioned; (that is to say),

New Tolls.

For every Ton of Chalk, Dung, Mould, Soil, Compost, Limestone, Ashes, or other Articles, used for the manuring of Land (Lime excepted), carried or conveyed on the said Navigation, between *Lewes Bridge* and *Sharp's Lock*, the Sum of Two-pence *per Ton per Mile*; from *Sharp's Lock* to *Goldbridge*, the Sum of Three Halfpence *per Ton per Mile*; and from *Goldbridge* to the Extremity of the Navigation, the Sum of One Penny *per Ton per Mile*, and so in Proportion for a greater or less Quantity or Weight than a Ton, and for a greater or less Distance than a Mile:

For every Ton of Beach, Gravel, Flints, Stone, and other Materials to be used for the making or repairing of Roads, the Sum of One Penny *per Ton per Mile*, and so in Proportion for a greater or less Quantity or Weight than a Ton, and for a greater or less Distance than a Mile:

For every Ton of Hay, Straw, Timber, Planks, Coal, Culm, or Fuller's Earth, the Sum of Three Halfpence *per Ton per Mile*, and so in Proportion for a greater or less Quantity or Weight than a Ton, and for a greater or less Distance than a Mile:

For every Ton of Lime carried or conveyed on the said Navigation, the Sum of Two-pence *per Ton per Mile*, and so in Proportion for a greater or less Quantity or Weight than a Ton, and for a greater or less Distance than a Mile:

For every Ton of Corn or Grain, ground or unground, Flour, Wheat, or Seeds, the Sum of Three-pence *per Ton per Mile*; or for any of the said Articles, if of less Weight than a Ton, Three Farthings *per Quarter per Mile*, and so in Proportion for a greater or less Distance than a Mile:

For every Hundred of Faggots, Hop Poles, and for every Cord of Firewood, or other Wood, the Sum of Two-pence *per Mile*, and so in Proportion for a greater or less Quantity than a Hundred or a Cord, and for a greater or less Distance than a Mile:

For every Hundred Weight of other Goods, Wares, Commodities, or Merchandize, One Farthing *per Mile*:

For every Package or Parcel under Fifty Pounds Weight, One Farthing *per* Mile :

For every Person conveyed by any Boat, Barge, or other Vessel, except the Person or Persons having the Management or Care thereof, the Sum of One Penny *per* Mile, and so in Proportion for a greater or less Distance than a Mile :

For every Boat, Barge, or other Vessel of less Burthen than Ten Tons passing through any Lock, the Sum of Sixpence for every Lock such Boat, Barge, or other Vessel shall pass through ; but if the same shall be laden with any of the Articles before enumerated, then the Toll on such Articles shall be paid instead of the said Toll of Sixpence on passing each Lock.

Provided always, that no more than One Half of the Tolls, Rates or Duties hereby granted, shall be demanded or taken for any of the Articles before enumerated carried from *Lewes Bridge to Barcombe Mill*, and no further, or from *Barcombe Mill to Lewes Bridge*.

Committee empowered to reduce Tolls.

VI. And be it further enacted, That the Committee of the said Company of Proprietors shall have full Power, from Time to Time, to lower or reduce all or any Part of the said Tolls, Rates, or Duties, upon all or any or either of the Articles which shall be carried upon the said Rivers, Cuts, Canal, or Branch thereof, either generally, or at such particular Points only of the said Line of Navigation, as, on account of Distance, they may deem expedient ; and to raise the same again to such Sum as they shall think proper, not exceeding the Rates before mentioned, as often as they shall deem it necessary so to do for the Interest of the said Navigation.

Application of Tolls.

VII. And be it further enacted, That the said several and respective Tolls, Rates, and Duties hereby granted, shall be and the same are hereby vested in the said Company of Proprietors, their Successors or Assigns, and the same and every Part thereof, after Payment in the First Place of the Expences of the necessary Repairs of the said Navigation and Works, shall, after the passing of this Act, be applied and disposed of in Discharge of the Interest of the Money borrowed by virtue of the said recited Acts ; and that it shall not be necessary to postpone the Application of the said Tolls, by reason of the said Navigation not being completed, any Thing in the said recited Acts, or either of them, contained to the contrary thereof notwithstanding : Provided always, that all and every the Security and Securities given to any Creditor or Creditors, Proprietor or Proprietors, on the Tolls, Rates, and Duties of the said Navigation under or by virtue of the said recited Acts, or either of them, and the Powers and Remedies for enforcing the same, shall remain and continue the same as if this Act had not been passed.

Securities to remain.

Parties aggrieved to have a summary Remedy.

VIII. And be it further enacted, That in case the said Company of Proprietors, their Successors or Assigns, and the Owner or Owners, Occupier or Occupiers of Lands taken or damaged, or to be taken or damaged, or other Person or Persons to whom any Injury or Damage has been or shall be done in prosecuting the Works of the said Navigation, shall not within the Space of Thirty Days next after Notice shall be given by the said Company of Proprietors, or by the said Owners or Occupiers
of

of Lands, or other Person or Persons, to the Treasurer or Clerk of the said Company of Proprietors, as the Case may be, meet and adjust the Amount or Value of any such Injury or Damage, and the Sum to be paid for the same, that then it shall and may be lawful for the said Company of Proprietors, their Successors or Assigns, and for such Owner or Owners, Occupier or Occupiers of Lands taken or damaged, or to be taken or damaged, or other Person or Persons to whom any Injury or Damage shall be done as aforesaid, and they are hereby severally and respectively authorized and empowered from Time to Time to proceed in a summary Way to ascertain the Amount or Value of such Injury or Damage, and the Sum or Rent to be paid for the same, by a Jury to be summoned, impanelled, and sworn, in such and the same Manner, and with the same Powers and Authorities in all respects, as is and are provided and enacted in the said recited Act of the Thirtieth Year of the Reign of His present Majesty, in case any Person or Persons should neglect or refuse to treat, or be prevented from treating and agreeing with the said Company of Proprietors touching any of the Matters in the said Act contained; and that the Verdict or Verdicts of such Juries, upon the Evidence given before them in Manner provided by the said recited Act, shall be binding and conclusive upon the Parties respectively, to all Intents and Purposes whatsoever.

IX. Provided always, and be it further enacted and declared, That the Payment of Rent for Lands already taken or to be taken for the Use of the said Navigation, and the Payment of Money for Lands damaged, or for Injuries sustained in carrying on the Works of the said Navigation, shall be preferred to the Payment of the Monies borrowed or to be borrowed by virtue of the said recited Act of the Forty-sixth Year of the Reign of His present Majesty, any Thing therein or herein contained to the contrary thereof notwithstanding.

Payment for Land taken or damaged not to be postponed.

X. And whereas it is by the said recited Act of the Thirtieth Year of the Reign of His present Majesty directed, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Bridge, Bank, or Fence, Bridges, Banks, or Fences, or shall break, damage, or destroy any Towing Path or Paths, Lock or Locks, or other Work or Works belonging to the said Navigation, River, or Locks, respectively; or shall hinder, turn, or divert any Stream of Water, from feeding the same Navigation, Locks, or other Works to be erected or made by virtue of this Act, such Person or Persons thereof convicted shall be subject and liable to such Punishments as Persons convicted of Felony are by the Laws in being subject and liable to; be it further enacted, That so much of the said recited Act shall be, and the same is hereby repealed.

Clause of Act 30 G. 3. c. 52. f. 25. repealed.

XI. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, or destroy any Bridge, Bank, or Fence, Bridges, Banks, or Fences, or shall break or destroy any Towing Path or Paths, Lock or Locks, or other Work or Works belonging to the said Navigation, River, or Locks respectively, or any Part or Parts thereof respectively, every Person so offending, being lawfully convicted, shall be transported for any Term not exceeding Seven Years, in like Manner as Felons are directed

Penalty on Persons wilfully destroying the Works.

to be transported by the Laws and Statutes of this Realm; or otherwise the Court before whom such Person shall be convicted, may in Mitigation of such Punishment (if they shall think fit) award any such other Punishment as the Law directs in Cases of Petit Larceny.

Treasurer's
Accounts to
be produced.

XII. And be it further enacted, That the Treasurer and Clerk of the said Company of Proprietors shall prepare and lay before them, at their Half-yearly General Meetings, a Statement or Account of all the Receipts and Payments, and the Proceedings of the Committee of Management for the Half Year preceding; and the said Treasurer and Clerk shall, and they are hereby respectively directed and required, to produce and shew, at all reasonable Times, the Accounts and Proceedings of the said Company, to any Proprietor of Shares, upon the Requisition of Three Proprietors, being together possessed of Ten or more Shares in the said Navigation.

Costs of Act
how to be
paid.

XIII. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences, concerning the same, shall be paid, borne, and defrayed by the said Company of Proprietors, by and out of the first Monies that shall come to their Hands after the passing of this Act by virtue hereof, or by virtue of the said recited Acts or either of them.

Public Act.

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

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