



ANNO TRICESIMO QUARTO

# Georgii III. Regis.

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C A P. XXIV.

An Act for making certain Navigable Cuts from the Towns of *Buckingham, Aylesbury, and Wendover*, in the County of *Buckingham*, to communicate with the Grand Junction Navigation, authorized to be made by an Act of the last Session of Parliament; and for amending the said Act.

[28th March 1794.]



HEREAS an Act was passed in the last Session of Parliament, for making and maintaining a Navigable Canal, from the Oxford Canal Navigation at Braunston, in the County of Northampton, to join the River Thames, at or near Brentford, in the County of Middlesex, and also certain Collateral Cuts from the said intended Canal; and by the said Act several Persons are united and made One Body Politick and Corporate, by the Name and Stile of *The Company of Proprietors of the Grand Junction Canal*, for making the said Canal and Collateral Cuts, and the several other Works necessary for carrying the said Act into Execution: And whereas, by Levels and Surveys lately taken, it appears that the Navigable Cuts herein-after described may be made to join and communicate with the said Grand Junction Navigation; which would be of great Benefit and Advantage to all Persons residing or having Estates near the said Cuts, and of publick Utility: But the same

Preamble re-  
Act 33  
Geo. III.



Power to  
make new  
Cuts.

cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, by virtue of the said recited Act and this Act, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain, a Navigable Cut from the Town of *Buckingham*, through the Parish of *Buckingham*, the Hamlet of *Bourton*, the Parishes of *Maids Morton*, *Foscole*, *Thornborough*, *Leckhampsted*, *Thornton*, *Beachampton*, and *Calverton*, in the County of *Buckingham*, and the Parishes of *Wicken*, *Passenham*, the Hamlet of *Denshanger*, in the Parish of *Passenham*, and *Old Stratford*, in the County of *Northampton*, to join the Collateral Cut authorized to be made by the said Act, from the Grand Junction Canal to *Old Stratford* aforesaid; and also a Navigable Cut from the Town of *Aylesbury*, in the said County of *Buckingham*, through the Township of *Aylesbury*, the Hamlet of *Walton*, in the Parish of *Aylesbury*, the Hamlet of *Broughton*, in the Parish of *Bierton*, the Parishes of *Aston Clinton*, *Buckland*, and *Drayton Beauchamp*, in the County of *Buckingham*, and the Parish of *Puttenham*, and the Hamlet of *Willston*, in the Parish of *Tring*, in the County of *Hertford*, to join the Grand Junction Canal in the Parish of *Marlow*, in the County of *Buckingham*; and also to make navigable the Cut or Feeder now making, or intended to be made, from the Town of *Wendover*, in the County of *Buckingham*, to the Summit Level of the said Grand Junction Canal at *Bulbourne*, in the said Parish of *Tring*; and also to make, erect, execute, do, and perform, all such Works, Matters, and Things, as shall be requisite and convenient for making, completing, and maintaining, the said several Cuts, and the Navigation thereof, and for supplying the same with Water, according to the true Intent and Meaning of this Act; and the said recited Act, and the several Powers, Authorities, Provisions, Rates of Tonnage and Wharfage, and other Matters and Things, therein contained, so far as the Nature and Circumstances of the Case will admit (subject to the several Alterations and Amendments herein-after made to the said Act) shall be used and exercised by the said Company of Proprietors, their Deputies, Agents, Officers, Workmen, and Servants, and shall be applied, enforced, and put in Execution, for making, completing, preserving, and maintaining, the said several Cuts, and for supplying the same from Time to Time with Water, and also for making, erecting, doing, and performing, all such other Works, Matters, and Things, as they shall think necessary or expedient for the Benefit of the Navigation of the said several Cuts, and also for making any other Navigable Cuts, and any Railways or Roads, to or from the Cuts herein-before described, and for defraying the Expenses thereof; and shall and may also be used and exercised by the Owners and Proprietors of Lands lying near or adjoining to the said Cuts, or any of them, in such and the like Manner, and as fully and effectually, to all Intents and Purposes, as if the several Powers, Authorities, Provisions, Rates of Tonnage and Wharfage, and other Matters and Things, contained in the said Act, were repeated and re-enacted in the Body of this present Act, and as if the Cuts, and other Works by this Act authorized to be made, completed, and maintained, had been



been described in the said Act, as Part of the Works to be made and done by virtue of the said Act; and the like Exemptions from the Payment of the said Rates of Tonnage and Wharfage as are allowed by the said recited Act, for or in respect of any Articles which shall be navigated, carried, or conveyed, upon the Grand Junction Canal and Collateral Cuts thereby authorized to be made, shall be allowed for or in respect of the like Kind of Articles which shall be navigated, carried, or conveyed, upon the said Cuts herein before described.

II. And whereas Maps or Plans, describing the Lines of the said Cuts, and the Lands through which the same are to be carried, together with Books of Reference, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Offices of the Clerks of the Peace for the respective Counties through which the said Cuts are respectively to be made; be it therefore further enacted, That the said Maps or Plans, and Books of Reference, shall remain in the Custody of the respective Clerks of the Peace for the said Counties, to the End that all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Two hundred Words of such Copies or Extracts of the said Book of Reference.

III. And be it further enacted, That the said Company of Proprietors, in making any of the Cuts by this Act authorized to be made, or the Canal, or any of the Cuts authorized to be made by the said recited Act, shall not deviate more than One hundred Yards from the Lines or Courses thereof described in the Maps or Plans deposited with the respective Clerks of the Peace for the Counties in which the same shall respectively be made, and which Deviation of One hundred Yards the said Company of Proprietors may cause to be made, if they judge it expedient, except in such Part of the said Cut from the Town of *Wendover* to the Grand Junction Canal at *Bulbourne*, as leads through the Parish of *Halion*, in the County of *Buckingham*, which shall be continued in the Course the same is already made, and no Deviation shall be made therefrom without the Consent of Sir *John Dashwood* Baronet, the Owner of the Lands within the said Parish of *Halion*; and it shall be lawful for the said Company of Proprietors to cause the said Canal and Cuts, or any of them, to be made and carried through any Lands or Grounds, of any Description whatsoever, lying within the Line thereof, ascertained and described in the said Plans and Books of Reference respectively, although the same may not have been particularly mentioned for that Purpose in the said recited Act: Provided always, That no such Deviation as aforesaid shall be made into or carried through the Lands of any Person not named in the Books of Reference deposited with such Plans respectively, without the Consent in Writing of such Person, and that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said Cuts, or any of them, on Account of any Error or Omission whatsoever in the said Books of Reference, in case it shall appear to any Five or more of the Commissioners appointed in or by virtue of the said recited Act, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, any Thing



Thing herein-before or in the said recited Act contained to the contrary notwithstanding.

Restrictions  
respecting the  
Mansion House  
of Mr. Shep-  
pard.

IV. Provided always, and be it further enacted, That the said Company of Proprietors shall and are hereby required, at all Times, to pen and keep up the Water in the said intended Canal from *Buckingham* to *O'd Stratford*, at *Thornton*, in the said County of *Buckingham*, to the Height the present Flood Gates can pen and keep up the same, and that no Towing Path shall be made or used on the Side of the said Canal next to the Mansion House of *Thomas Sheppard*, of *Thornton* aforesaid, Enquire, or on any Part of the Manor of *Thornton*, on the Side of the said Mansion House, and that the Side of the Bank of any Towing Path which shall be made on the other Side of the said Canal, in the Front of the said Mansion House and Gardens, shall be regularly formed and sloped, and the said Towing Path shall be covered with Gravel, and kept in good Order and Condition, and that no Stones, Timber, Dung, or Materials whatsoever, shall be laid or placed upon such Towing Path, or on the Side of the Bank thereof, or on either of the Banks or Sides of the said Canal, in the Front of the said Mansion House and Gardens, or on any Part of the said Manor of *Thornton*, without the Consent of the said *Thomas Sheppard*, his Heirs or Assigns, and that the said Company of Proprietors shall cause such Part of the said Canal as shall be in Front of the said Mansion House and Gardens to be kept free from Weeds.

Mr. Sheppard  
may use Plea-  
sure Boats.

V. Provided also, and be it further enacted, That the said *Thomas Sheppard*, and the Occupier for the Time being of his said Mansion House, shall have full and free Liberty to use any Pleasure Boat upon the said Canal, and to pass and repass through the Lock or Locks which may be erected upon the said Canal, at the Head of Water upon which a certain Corn Mill, in the Parish of *Thornton* aforesaid, belonging to the said *Thomas Sheppard*, now stands, or within or opposite to the said Manor of *Thornton*, without paying any Rate or Tonnage to the said Company of Proprietors for the same; any Thing in the said recited Act to the contrary notwithstanding.

Drains to be  
made for draw-  
ing the Water  
from Mr. Shep-  
pard's Fish  
Ponds.

VI. And be it further enacted, That the said Company of Proprietors shall and are hereby required, at their own proper Costs and Charges, to make, and for ever support and keep in good Repair, proper and sufficient Drains, under the Bed of the said intended Canal, so as to enable the said *Thomas Sheppard*, his Heirs or Assigns, to draw off the Water from the Fish Ponds, Stews, and Other Beds, belonging to the said *Thomas Sheppard*, in *Thornton* aforesaid, near the Line of the said intended Canal.

Mr. Sheppard  
may draw off  
the Water  
of the Canal  
at the Lock at  
*Thornton* Mill  
Three Times  
a Year.

VII. And be it further enacted, That it shall be lawful for the said *Thomas Sheppard*, his Heirs or Assigns, Three Times in every Year (but not oftener), at such Times as he or they shall think proper, to draw off the Water of the said Canal at the Lock or Locks to be erected at the Head of Water at *Thornton* Mill as aforesaid, or within or opposite to the Manor of *Thornton*, in order to take the Fish within such Part of the said Canal as shall lie in the said Parish of *Thornton*, without any Hindrance or Interruption of the said Company of Proprietors, or any Person acting under their Authority, the said *Thomas Sheppard*, his Heirs or Assigns,



Assigns, giving Ten Days Notice in Writing to the said Company of Proprietors, by delivering the same to the Clerk or Clerks of the said Company of Proprietors, or by leaving the same at their principal Office for the Time being, of his Intention of drawing off the said Water for the Purpose aforesaid, and that it shall also be lawful for the said *Thomas Sheppard*, his Heirs or Assigns, to make use of the Flood Gates upon the said Canal, within the said Parish of *Thornton*, for the Purpose of taking or catching of Eels.

VIII. Provided always, and be it further enacted, That the said Company of Proprietors shall not build or erect, or cause to be built or erected, any Warehouse or Building within the said Parish or Manor of *Thornton*, or opposite to the said Mansion House or Gardens, or any Mill within or opposite to the said Parish or Manor, without the Consent of the said *Thomas Sheppard*, his Heirs or Assigns; any Thing in this Act to the contrary hereof notwithstanding.

No Building or Mill to be erected opposite Mr. Sheppard's Mansion House or Gardens.

IX. And be it further enacted, That the Towing Path to the said Cut, from the Town of *Wendover* to the said Canal at *Bulbourne*, shall be carried through the Open and Common Fields of *Aston Clinton*, on the South Side of the said Cut, as the same is already made, and that the Road or Field Way lying between the said Cut and the inclosed Lands and Grounds of Major General *Lake*, in the said Parish of *Aston Clinton*, shall be changed and carried on the South Side of the said Cut, in case the Majority of Proprietors of *Sandwell Down* and *Middle Down* Common Fields, in the said Parish of *Aston Clinton*, shall be desirous, for their Convenience, that the said Course shall be changed, and shall, by Writing under their Hands, to be delivered to any of the principal Agents of the said Company of Proprietors, so signify such Desire, then the said Company of Proprietors shall and are hereby required to permit and suffer the Towing Path so to be made on the South Side of such Part of the said Cut as shall lie between the Bridge to be erected across the said intended Canal, upon the Road leading to *Wendover* from the *Berkhamstead* Turnpike Road, and the other Bridge to be erected across the said intended Canal, on the Road leading from *Aston Clinton* aforesaid towards the publick Road called *Icknall Way*, to be used as a publick Highway in lieu of the said present Road or Way over the said Fields, and to keep the same in good and sufficient Repair and Condition for that Purpose, or else to set out and make, at their own Expence, a good and sufficient Road, adjoining to and on the South Side of the said Cut, or of the Towing Path to be made on the South Side thereof, within the Limits aforesaid, and the same shall for ever afterwards be used as a publick and common Highway; and that as soon as such Towing Path or new Road shall be made and completed, fit and proper for the Passage of Travellers and Carriages, and shall be deemed so to be by any Five or more of the Commissioners appointed by virtue of the said Act, the Land constituting the present Road or Way through the said Fields called *Sandwell Down* and *Middle Down* Common Fields, lying next the Inclosures of the said Major General *Lake*, in *Aston Clinton* aforesaid, shall become vested in the said Company of Proprietors, and may be disposed of as they shall think proper.

Company obliged to change the Road in *Aston* Fields, if required.

X. And



Company im-  
powered to  
sell Lands not  
used for the  
Navigation:

X. And whereas the said Company of Proprietors may have already purchased, or may hereafter purchase, Lands or Buildings not necessary to be made use of for the Purposes of the said recited Act, or this Act: Be it therefore further enacted, That it shall be lawful for the said Company of Proprietors to sell any such Lands or Buildings, and by Writing under their Common Seal, to convey the same to the Purchaser or Purchasers thereof, according to the Form prescribed in the said recited Act for the Conveyance of Lands to the said Company, or to the like Effect, and every such Sale and Conveyance shall be valid and effectual, and the Money arising thereby shall be applied for the Purposes of the said recited Act, and this Act.

Number of  
Proxies to be  
devised by  
One Proprie-  
tor increased.

XI. And be it further enacted, That it shall be lawful for any Proprietor of the said Grand Junction Canal to give and deliver Proxies for the Purpose of voting at any General Assembly of the said Company of Proprietors for any Number of absent Proprietors, not exceeding Ten; any Thing in the said Act to the contrary hereof notwithstanding.

Committees  
to be ap-  
pointed an-  
nually in June,  
and Vacancies  
to be filled up  
at the other  
Assemblies.

XII. And be it further enacted, That the General Assembly of the said Company of Proprietors, by the said Act directed to be holden upon the First *Tuesday* in the Month of *May* in every Year, shall for the future, instead of that Day, be held upon the First *Tuesday* in the Month of *June* in every Year, and that every Committee of the said Company of Proprietors to be appointed by virtue of the said Act, for the Purpose of managing the Affairs of the said Company, shall be appointed at a General Assembly of the said Company to be held as aforesaid, upon the First *Tuesday* in the Month of *June* in every Year, and at no other Time; and every such Committee shall continue for One Year from the Time of their Appointment; any Thing in the said Act to the contrary hereof notwithstanding: Provided nevertheless, that it shall be lawful for the said Company of Proprietors, at their other General Assemblies, to appoint any of the Proprietors of the said Navigation, qualified to serve upon Committees, to fill up any Vacancy that may have happened in any such Committee by Death or otherwise, and every Person so appointed shall have the same Power to act as a Committee Man, as if he had been originally appointed of the Committee.

Quorum of  
Committees  
(not being  
General Com-  
mittees) re-  
duced.

XIII. And be it further enacted, That all the Powers and Authorities by the said Act vested in or directed to be exercised by any Committee of the said Company of Proprietors (other than and except General Committees) may be done and exercised by the major Part of such Committee at their respective Meetings, the whole Number present at any such Meeting not being less than Three, and the same shall be as valid and effectual as if done and exercised by the whole Committee; any Thing in the said Act to the contrary hereof notwithstanding.

Forfeiture of  
Shares for not  
answering the  
Calls repeated.

XIV. And whereas the Proprietors of Shares in the said Navigation, who neglect or refuse to pay their rateable Calls made on them, or the Proportions of the Money due thereon, according to the Directions of the said Act, are by the said Act made liable to forfeit their Shares for such Neglect or Refusal; which Forfeiture might be a great Hardship upon such Persons: Be it therefore further enacted, That so much of the said Act as subjects any of the Proprietors of Shares in the said Navigation



tion who shall refuse or neglect to pay their rateable Calls, or the Proportions of the Money due thereon, to forfeit their Shares for the Use and Benefit of the said Company, shall be and is hereby repealed.

XV. Provided always, and be it further enacted, That in case any Proprietor of a Share or Shares in the said Navigation shall at any Time neglect or refuse to answer and pay the Calls made upon him or her within the Time and in Manner prescribed by the said Act for making such Payment, it shall be lawful for the said Company of Proprietors to cause to be sold the Share or Shares belonging to such Person, or so many thereof (if more than One) as will raise a sufficient Sum of Money to make good the Money so called for, with lawful Interest for such Money from the Time the same shall have been due, and also all Charges and Expences occasioned by such Neglect or Refusal, and by Writing under their Common Seal, to convey the same to the Purchaser or Purchasers thereof, according to the Form and in Manner by the said Act directed with respect to the Sale of Shares in the said Navigation; and every such Sale and Conveyance shall be as valid and effectual as if made by the former Owner, and out of the Money arising by such Sale, the said Company of Proprietors are hereby empowered to deduct and retain the Sum due to them from such Person on Account of his or her Share or Shares in the said Navigation, together with Interest for the same as aforesaid, and also all Expences attending such Neglect or Refusal, and Sale; and if there shall be any Overplus of such Money, the same shall, by the said Company of Proprietors, be paid, upon Demand, to the Person who was the Proprietor of the said Share or Shares before such Sale was made, his or her Executors or Administrators, the Person or Persons receiving such Money giving to the said Company of Proprietors a proper Receipt or Discharge for the same.

So many Shares of Persons not answering Calls, may be sold as will raise the Sum due.

XVI. Provided always, and be it further enacted, That the said Company of Proprietors shall not be obliged to admit any Person, or Body Politick, Corporate, or Collegiate, to be a Proprietor of any Share in the Navigation authorized to be made by virtue of this Act, on Account of his, her, or their being Owner or Owners, or in the actual Possession, or entitled to the Rents and Profits of Lands to be cut through, taken, or used for making the said Cuts, or any of them, by virtue of this Act, until the Land belonging to him or them so to be cut through, taken, or used, shall have been actually purchased by the said Company of Proprietors, or until the Person, or Body Politick, Corporate, or Collegiate, desiring to be admitted a Proprietor or Proprietors, according to the Directions of the said recited Act, shall have paid to the said Company the like Sum of Money upon every Share to which he, she, or they, shall claim or desire to be admitted, as the Sum which shall have been paid to the said Company upon any other of the Shares in the same Undertaking, and no such Person shall be entitled to any such Share, who shall not give Notice, in Writing, to the Clerk or Clerks of the said Company, within Twelve Months after the passing of this Act, of his or her Intention to become a Subscriber for the same, and after such Notice given, he or she shall be compellable to become a Subscriber, in Proportion to the Extent of his or her Land, when the same shall be cut through as aforesaid; and the said Company of Proprietors (in case of Failure of Payment of the Money due upon such Shares, in Proportion to what may

Company not obliged to admit Land Owners to Shares, but under certain Conditions.



have been paid by other Proprietors) shall have Power to deduct the same out of the Purchase Money for his or her Land.

Company may  
allow Interest  
to Proprietors  
paying up  
their Subscrip-  
tions before  
called for.

XVII. And whereas some of the Proprietors of the said Grand Junction Canal may be desirous of paying the Whole of their Subscriptions, or a greater Part thereof than their proportional Shares, before the same shall be called for, upon being allowed Interest for the same; be it therefore further enacted, That if any such Proprietor shall, with the Consent and by the Direction of the General Committee of the said Company, pay to the Treasurer of the said Company of Proprietors the Whole of their Subscription, or any greater Sum of Money than would have become payable by the Calls to be made by the said Committee, by virtue of the Powers in the said recited Act, it shall be lawful for the said General Committee, and they are hereby required to order and direct Interest to be paid to every such Person for such Money, after the Rate of Five Pounds *per Centum per Annum*, from the Time of such Payment, until the Time or Times such Persons would have been obliged to pay such Money in pursuance of the Calls to be made by the said Committee, by virtue of the said Act, and such Interest shall be paid to him or her accordingly.

Regulation  
for transfer-  
ring Shares.

XVIII. And, for the Prevention of Fraud in the transferring of Shares in the said Grand Junction Canal, and for the better regulating the same; be it further enacted, That, from and after the First Day of June One thousand seven hundred and ninety-four, no Sale or Transfer of any Share in the said Navigation shall be valid and effectual, unless the Deed of Transfer or Conveyance thereof shall be prepared by the Clerk or Clerks to the said Company of Proprietors, and executed by the Party or Parties transferring and the Party or Parties accepting in the Presence of such Clerk or Clerks, or his or their Deputy or Deputies, constituted and appointed by Writing under his or their Hand or Hands; and in case the Person or Persons making any such Sale or Transfer, or the Person or Persons to whom the same shall be made, cannot attend to execute the Deed of Transfer or Conveyance, then the same shall in like Manner be executed by the Attorney of such Person or Persons lawfully constituted; and every such Transfer or Conveyance, when executed, shall be duly filed, and a Copy of such Transfer or Conveyance, with a Certificate of such filing and registering, signed by the said Clerk or Clerks, or his or their Deputy or Deputies as aforesaid, shall be delivered to the Party to whom any such Share shall be sold and transferred; and the said Clerk or Clerks shall not be entitled to receive any more, for his or their Trouble in preparing and attending the Execution of every such Transfer or Conveyance, and the making the Copy thereof, and the Certificate of such filing and registering as aforesaid, than the Sum of Ten Shillings; and every such Letter of Attorney shall in like Manner be prepared by the said Clerk or Clerks to the said Company, and shall be executed in the Presence of Two credible Witnesses, specifying their respective Places of Abode and Professions, or other Additions, and the same shall be delivered to and filed by the Clerk or Clerks of the said Company, or his or their Deputy or Deputies as aforesaid, at the Time of the Execution of such Transfer or Conveyance, for the preparing of which said Letter of Attorney, and for the filing thereof, no greater or other Fee than the Sum of Two Shillings and Sixpence shall be taken; and that every such Deed



of Transfer or Conveyance as aforesaid shall be executed at the principal Office of the said Company of Proprietors.

XIX. And be it further enacted, That the said Company of Proprietors shall from Time to Time be rated to all Parliamentary and Parochial Taxes and Assessments, for and in respect of the Lands and Grounds already purchased or taken, or to be purchased or taken, and all Warehouses or other Buildings to be erected by the said Company of Proprietors, in pursuance of the said recited Act and this Act, in the same Proportion as other Lands, Grounds, and Buildings, lying near the same are or shall be rated, and as the same Lands, Grounds, and Buildings, so purchased or taken, or to be purchased or taken, and erected, would be rateable in case the same were the Property of Individuals in their natural Capacity.

Proprietors to be taxed for Lands and Buildings in same Proportion as adjoining Lands and Buildings.

XX. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons, without specially pleading the same.

Publick Act.

F I N I S.