

Summary of Extracts from the House of Commons Journal 1775-1776

Extracts relating to the passing of 16 Geo 3 c21 - An Act to amend an Act passed in the Third Year of His late Majesty's Reign intituled An Act for making navigable the river Stroudwater in the county of Gloucester from the River Severn at or near Framiload to Wallbridge near the town of Stroud in the same county and for giving other powers for the purpose of making a Navigation from Framiload to Wallbridge aforesaid.

Online at https://archive.org/stream/sim_great-britain-house-of-commons-journal_november-29-1774-october-15-1776_35/sim_great-britain-house-of-commons-journal_november-29-1774-october-15-1776_35_djvu.txt

27 November 1775.

A petition from Stroudwater shareholders seeking leave to bring in a Bill to amend an earlier Act to make navigable the River Stroudwater to allow use of navigable cuts was referred to a Committee. Mr Southwell and Sir William Guise to meet in the Speaker's Chamber tomorrow morning and have Power to send for Persons, Papers, and Records.

27 November 1775

A petition from the inhabitants of Stroud supporting the previous petition was referred to the same Committee.

1 December 1775

Mr Southwell reported that the Committee had accepted that the petition complied with the Standing Orders of the House and had heard statements from witnesses as to why the existing Act needed to be amended.

Mr Thomas Yeomans, being examined, said, That some Part of the Works directed by the said Act, have been begun, particularly Framiload Lock or Sluice is near finished, and that about a Mile of the Canal has been cut; which is all that has been done towards the Navigation; that the Sluice is upon the Canal.

Mr. Joseph Grazebrook, being examined, said, That the Sum of £4,000, and upwards, has been expended in the Works of the Navigation, and in the Purchase of Lands; and that when the Navigation was begun, he did not conceive any Opposition would be made to it; but that after the Undertakers had cut through a Piece of Land, which has since been disputed, and were got into Land of their own, it was signified to them, that there were some Doubts whether they had a Right to proceed or not; that the Land in Dispute was about 100 Yards from the River, and about 150 Yards in Length; that above a Month had passed, and near Half a Mile had been cut, before he heard of any Objection; that between Three and Four hundred Pounds had been laid out in Materials, and much of the Ground broke, by which a considerable Sum would have been lost, had not the Works been continued; that they were obliged to continue their Works, otherwise what had been done would have been destroyed by the Waters; that it was about Six or Eight Weeks after the Commencement of the Works, that he had Notice of an intended Opposition; that the Proprietors of the Works were not served with a Copy of a Writ, until sometime after they had entered the disputed Land, and the Works had been proceeded upon.

Mr. John Jepson, being examined, said, That at the First Meeting of the Proprietors at Stroud, after the Witness and his Partner (who were the then Agents for the Proprietors) had heard of the intended Opposition, it was proposed, that an Offer should be made to the Opposers, to try at the then next Gloucester Assizes, any Question they should make concerning the

Powers of the Act, upon a feigned Issue; that the Proposal was made to the Person concerned for the Opposition, who called a Meeting of the Opposers, to propose to them to come into that Agreement, which they refused ; that he cannot tell whether the Proposal was made before or after an Action was commenced; and that he does not recollect that any Proposal was then made to suspend the Works till the Cause was tried, or to wave the Action then depending, and to try it upon the Question of Right.

Mr. Thomas Yeomans, being further examined, said, That making the Navigation as prescribed by the Act will be liable to many Difficulties and Obstructions, particularly by the Millers and Millmen drawing down their Heads of Water, and from the innumerable Shoals that are thrown up in Winter Floods; that instead of bringing Boats loaded with Seventy Tons, they would not be able in short Water Time to carry One Third of that Burthen; this also would happen to Boats passing upwards, and as the Imports in all Probability wilt be much more than the Exports, it would be more detrimental to all Boats passing upwards than downwards, from the Shoals and Obstructions before mentioned ; that in Times of Flood a River Navigation is much obstructed; that he apprehends he could make the River capable of receiving Trows coming from Bristol and other Places up the River Severn, but that it will cost double the Sum the intended Navigation will, and be liable to the Impediments above mentioned; that loaded Trows could not navigate the River, but their Cargoes must be unloaded into Three or Four Lighters to proceed up the same; and that if Power was given to make Cuts, according to the Plan annexed to the Petition, and some Amendments were made to the former Act, he apprehends a complete Navigation might be made, which would admit of Trows of Seventy Tons Burthen to pass the Navigation; and that he projected the Plan of the Navigation with a View to that Purpose.

Richard Owen Cambridge, Esquire, being examined, said, That the making the new Canal Navigation will be of great Benefit to the adjacent Roads; that a River Navigation must be prejudicial to the Mills, which, he apprehends, the present intended Navigation will not, and that the making the Canal Navigation will be of public Utility.

John Capel, Esquire, being examined, said, That the making the intended Canal Navigation will be of great public Utility, particularly by the great Consumption of Coals for the Use of the Manufacturers ; and that if this Navigation takes place, it will be of great Use to the Poor, as within his Memory, he believes, Half the Woods in that Neighbourhood have been destroyed, which has rendered Fuel much dearer.

The House ordered that leave be given to bring in a Bill and that Mr. Southwell, Sir William Guise, Mr. Blackwell, Mr. Whitshed, and Mr. Burke, do prepare and bring in the same.

[Editor's Note:

Mr. Edward Southwell of Kings Weston, MP for Gloucestershire 1763-1776.

Sir William Guise of Elmore, MP for Gloucestershire 1770-1783.

Mr. Samuel Blackwell of Williamstrip and Ampney Crucis, MP for Cirencester 1774-1785.

Mr. James Whitshed of Hampton Court, Middx, MP for Cirencester 1761-1783.

Mr. Edmund Burke of Beaconsfield, MP for Bristol 1774-1780.

(From Williams GAL/E5)]

8 December 1775

Mr Burke presented the Bill and he was given leave to make a motion, and the Bill was read the first time.

1 February 1776

A petition from owners and occupiers of mills against the Bill was presented, setting forth that there are, upon the said River, between Wallbridge and Framiload, several Mills wrought by Wheels turned by the Water of the said River, for which Purpose a great Force and Weight of Water is necessary ; and that the said Mills, upon a moderate Calculation, afford Employment for Five Thousand, and thereby give Bread to above Nine Thousand Persons, and during the Summer Months in general have not a sufficient Supply of Water to keep them going more than Two-thirds, and sometimes not more than Half, their Time; and should the proposed Navigation take Place, it would deprive the Petitioners of a great Quantity of Water, and render the said Mills of little Use. The House ordered that the petitioners be heard, through their Counsel, when the Bill was read a second time.

Three petitions from the inhabitants of Painswick, Cricklade and Malmesbury were presented, setting forth that the bill would be of great public utility, and the House ordered that they lie upon the table until the Bill be read a second time.

5 February 1776

A petition from owners and occupiers of lands against the bill was presented, setting forth that the proposed navigation would require cuts by which near One Hundred and Twenty Acres of very valuable Land will be destroyed, great Part of which is worth from Thirty Shillings to Three Pounds per Acre by the Year; and that the Soil of the best of the above-mentioned Lands, after the first Bed of Earth is cut through, being a strong Gravel, great Quantities of other Lands adjacent to the said Navigation will be materially injured by a constant Leakage from the said Canal, where the same is carried above the Level of such Lands; and Setting forth, That there is great Reason to believe, that the Money to arise from the Carriage of Goods upon the said Navigation will be insufficient to answer the Expense of making and maintaining the same, and therefore the Petitioners are apprehensive that the Undertaking may probably be abandoned, after great Damage done to the Lands, through which the said Navigation is intended to be carried, and the Proprietors of such Lands left without Remedy for recovering Satisfaction for such Damage; and, that supposing the said Navigation should ever be completed, the Petitioners apprehend that the Price of Carriage would be very little reduced thereby, and that the Damage done to the Public, and to private Property, by making the same, will be greater than any Advantage that can be reasonably expected to arise from such Undertaking.

A Petition of the Mayor, Aldermen, and Common Council of the City of Gloucester was presented, repeating several concerns and noting that an inlet so far from the Custom house at Gloucester could become a convenient situation for smuggling. Petitions were also presented in support of the bill from the Merchant Venturers of Bristol and from the inhabitants of Painswick, Cricklade, Malmsbury, Bisley, Dursley and Cirencester.

Ordered that all of the petitions lie upon the table until the Bill be read a second time.

8 February 1776

For the second reading, the Counsels for and against the Bill were called in, the said Bill was read a Second Time and all of the petitions were read. And the Counsel for the Petitioners, against the Bill, were heard, and examined several Witnesses in Support of their said Petitions, And then the Counsel on both Sides were directed to withdraw. And Notice being taken, that Forty Members were not present, the House was told by Mr. Speaker, and Forty Members not being present ; and it being then after Four of the Clock; The House was adjourned by Mr. Speaker, without a Question first put, till Tomorrow Morning, Ten of the Clock.

9 February 1776

Resolved, That this House will, upon Monday Morning next, proceed in the further Hearing of Counsel, upon the Second Reading of the Bill to amend an Act

12 February 1776

Continuing the second reading, Counsel for petitioners against the Bill examined several other witnesses against the Bill; and went through their evidence. And then Counsel for the Bill were heard, and examined several witnesses in support of the Bill, against the said petitions. And Counsel against the Bill was heard again by way of reply. The Counsel on both Sides were directed to withdraw.

Mr. Speaker opened the Bill, and a motion being made and the question being put that the Bill be committed, the House divided. The Yeas went forth. Mr. Southwell, Tellers for the Yeas, Sir William Guise 52. Tellers for the Noes, Mr Thomas Townsend, Mr. Barrow: ... So it was resolved in the Affirmative. And the Bill was committed to a Committee.

19 February 1776

A [new] petition from Proprietors of Mills and Lands was presented to the House and was read, claiming that the wording of the Bill would be highly injurious to them. Ordered that it be referred to the Committee to whom the Bill is committed. Ordered, That it be an Instruction to the said Committee, that they do admit Counsel to be heard at the same Time, in Favour of the said Bill and against the said Petition.

5 March 1776

Mr Southwell reported that the Committee had considered the said Petition and had examined the Allegations of the Bill and found the same to be true; and that the Committee had gone through the Bill and made several Amendments thereunto; which they had directed him to report to the House; and he read the report in his place; and afterwards delivered the Bill, with the Amendments, in at the Clerk's Table: Where the Report was read.

Then the Amendments made by the Committee to the Bill, being severally read a second time, were, upon the question severally put thereupon, agreed to by the House; and several amendments were made by the House to the Bill. Ordered that the Bill, with the amendments, be engrossed.

8 March 1776

The engrossed Bill was read a third time. Resolved that the Bill do pass. Ordered, That Mr. Southwell do carry the Bill to the Lords, and desire their concurrence.

20 March 1776

The Lords have agreed the Bill without any amendment.

25 March 1776

Mr. Speaker, with the House, went up to the House of Peers. And being returned; Mr, Speaker reported that a Commission under the Great Seal was read, giving, declaring, and notifying the Royal Assent to the Bill.