Anno decimo

Georgii III. Regis.

An Act to explain and amend an Act made in the Sixth Year of the Reign of His preſent Majeſty, intituled, *An Act for making and maintaining a navigable Cut or Canal from the River* Severn, *between* Bewdley *and* Titton Brook, *in the County of* Worceſter, *to croſs the River* Trent, *at or near* Heywood Mill, *in the County of* Stafford, *and to communicate with a Canal intended to be made between the ſaid River* Trent *and the River* Merſey; and for granting further Powers for that Purpoſe.

WHEREAS an Act was made in the Sixth Year of the Reign of His preſent Majeſty, intituled, An Act for making and maintaining a navigable Cut or Canal from the River *Severn*, between *Bewdley* and *Titton Brook*, in the County of *Worceſter*, to croſs the River *Trent*, at or near *Heywood Mill*, in the County of *Stafford*, and to communicate with a Canal intended to be made between the ſaid River *Trent* and the River *Merſey*, whereby certain Perſons therein mentioned and deſcribed, their Heirs, Succeſſors, Preamble, reciting Act 6 *Geo.* III.

cessors and Assigns, were united into one Body Politic Corporate, by the Name of The Company of Proprietors of the *Staffordshire* and *Worcestershire* Canal Navigation, with Power and Authority, at their own Costs and Charges, by the Ways and Means therein mentioned, to make, compleat, and maintain, such navigable Cut or Canal, passable for Boats, Barges, and other Vessels; and certain Commissioners were appointed by the said Act to execute the several Powers therein expressed: And whereas the said Company have, by virtue of the said Act, nearly made and compleated Twenty-three Miles of the said Cut or Canal, from the Summit near Wolverhampton, towards the River Severn; and have made great Progress in the Summit, which extends Ten Miles towards the River Trent; and are proceeding with great Expedition in the Execution of the remaining Parts of the said Canal: And whereas the said Company of Proprietors are, for the Purposes of making and compleating the said Cut or Canal, by the said Act enabled to raise and contribute amongst themselves, the Sum of Seventy thousand Pounds, to be divided and distinguished into Seven hundred equal Parts or Shares in Manner therein mentioned, with a Power, if that Sum shall not be sufficient to compleat the said navigable Cut or Canal, to raise for the Purposes aforesaid, a further Sum of Thirty thousand Pounds: And whereas the said Company of Proprietors have already subscribed amongst themselves the Sum of Seventy thousand Pounds, which hath been nearly expended in carrying on the Works authorised by the said Act; and the Proprietors, finding the said Sum of Seventy thousand Pounds greatly inadequate to the Undertaking, did, at their General Assembly duly held the First Day of February last, agree to raise among themselves, upon the said Seven hundred Shares, the said further Sum of Thirty thousand Pounds, to be advanced and paid after the said Sum of Seventy thousand Pounds should be advanced, making together the Sum of One hundred thousand Pounds: And whereas by reason of the great Increase in the Value of Lands and Wages of Artificers and Labourers, and from other unforeseen Expences and Circumstances, it is apprehended, that the said Sum of Seventy thousand Pounds, with the Addition of the said Sum of Thirty thousand Pounds, will not be sufficient for completing the said Cut or Canal: And whereas Doubts have arisen whether the Powers by the said Act given, for raising the further

further Sum of Thirty thouſand Pounds, if needful, are ſufficient to authoriſe the raiſing that Sum in the ſame Manner as the former Sum of Seventy thouſand Pounds was authoriſed to be raiſed, and as was intended by the ſaid Act: And whereas ſome Amendments are neceſſary to be made to the ſaid Act, and ſome further and other Powers and Proviſions are wanting for carrying on, completing, ſecuring, and preſerving the ſaid Navigation: May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, to raiſe and contribute amongſt themſelves the additional Sum of Thirty thouſand Pounds, which they by the ſaid recited Act are impowered, or intended thereby to be impowered to raiſe, over and beyond the ſaid Sum of Seventy thouſand Pounds already raiſed; and alſo ſuch further Sum, not exceeding the Sum of Ten thouſand Pounds, as ſhall be found wanting to perfect and compleat the ſaid navigable Cut or Canal, and other Works authoriſed to be made by the ſaid recited Act and this Act; and that as well the ſaid Thirty thouſand Pounds as the ſaid further Sum not exceeding the Sum of Ten thouſand Pounds, ſhall be raiſed by Calls upon the ſaid Company of Proprietors, their Succeſſors and Aſſigns, poſſeſſed of the ſaid Seven hundred Shares; which ſaid ſeven hundred Shares, and the Owners thereof, are hereby declared to continue to be, as well in reſpect of the ſaid Sum of Thirty thouſand Pounds, as of the Sum of Ten thouſand Pounds, or ſuch Parts thereof as ſhall be wanted, under and ſubject to ſuch and the ſame Calls to be made by the ſaid Company of Proprietors in General Aſſembly, or the Committee thereof for the Time being, in ſuch and the ſame Proportions, and within ſuch and the ſame Diſtance of Time, and under and ſubject to ſuch and the ſame Regulations, Rules, Orders, Fines, and Forfeitures, as the ſaid Seven hundred Shares, and the Perſons making Default in Payment thereof, are by the ſaid recited Act made ſubject and liable to, in reſpect of the ſaid Sum of Seventy thouſand Pounds; any Thing in the ſaid recited Act contained to the contrary thereof in any wiſe notwithſtanding.

Power to raiſe 30,000*l.*

and 10,000*l.*

Manner of raiſing it.

Course of the Canal at the River *Sow* described:

And whereas by the said recited Act it is enacted, That the said Company of Proprietors, their Successors and Assigns, shall make that Part of the said Cut or Canal from the South Side of the River Sow, and over the said River through a Piece of Land of Thomas Anson Esquire, in the Parish of Colwich, in the County of Stafford, called Tutor's Hill, in a direct Line from an Oak Tree standing therein to the said River Sow, and convey the same, upon proper Arches, over the said River Sow, and through the Close of Land on the North Side of the said River, called or known by the Name of Hollis Close, and from the said Close, to, along, and through the several Pieces or Closes of Land therein particularly named; and shall cross the River Trent from the Land therein, called the Lower Brimsey, or the Land called the Poles Rales, or as near thereto as the same can conveniently be done: And whereas the said Course of the said Cut or Canal in the said recited Act particularly mentioned, was regulated, laid down, and directed at the Instance of the said Thomas Anson, and the Honourable Thomas Clifford Esquire, who are the Owners of all the Lands therein particularly named and specified: And whereas the making and carrying on of the said Cut or Canal in the particular Course thereby directed, will, from the Lowness of the said Lands and Grounds, tend greatly to the Prejudice of the said intended Navigation; as the Safety of the said Cut or Canal will be greatly endangered by the Floods which frequently overflow many of the said Lands or Grounds over or through which the said Cut or Canal is, by the said recited Act, directed to be made, between the said Pieces of Land called Tutor's Hill and the said River Trent; upon Representation whereof to the said Thomas Clifford, he has given Leave to the said Company of Proprietors, their Successors, and Assigns, to dig, carry, and make the said Cut or Canal, from the Place where the same shall cross the said River Sow near a Place called Hollisford, in, over, and through any Lands or Grounds which lie northward of the several Lands or Grounds belonging to him, through which the said Cut or Canal is, by the said recited Act, directed to be made: Be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, to deviate and depart from so much and such Parts of the Line or Course of the said intended Cut or Canal, laid down and directed by the said re-

Power to alter the same,

Owners having consented.

cited

cited Act, as is herein before mentioned; and that they shall and may by themselves, their Deputies, Agents, Officers, Workmen, and Servants, dig, cut, make, compleat, and continue the said Cut or Canal, navigable and passable for Boats, Barges, and other Vessels, with Towing-paths and other Conveniences, from the South Side of the said River Sow where the same shall cross the said River in a direct Line from the said Oak Tree, near Hollisford aforesaid, or higher up, with the Consent of the said Thomas Anson first had and obtained, in, over, and through such Lands and Grounds, until it shall be thereby made and carried to the said River Trent, to cross the same at or near the Lands and Grounds called the Lower Brimsey and the Poles Rales, as shall be found most convenient and beneficial to the said Company of Proprietors; and in case the said Cut or Canal shall cross the said River Sow higher than the said Oak Tree, the said Company of Proprietors shall and are hereby required, at their own Expence, to make a good and substantial new Road, from the Stafford Road, to and over the Bridge or Arch, where the said Canal shall cross the said River Sow, and from thence carry on such Road until the same can most conveniently join the Road leading to Tixall; and it shall be lawful for the said Thomas Clifford, his Heirs and Assigns, effectually to stop up, and at all Times hereafter, keep stopt up, the present Road leading to Hollisford aforesaid, on the North Side of the said River Sow, and to turn the same over the Bridge of the said Cut or Canal, where the same shall be built over the said River Sow; any Thing in the said recited Act contained to the contrary thereof in any wise notwithstanding.

Power to get Waters to supply the Summit.

And whereas it is apprehended that a further Quantity of Water will be wanted to supply the Summit of the said Cut or Canal; and the said Company of Proprietors are very desirous to avoid doing any Damage or Injury to the Mills situate near thereto, the Streams whereof, lying within the Distance prescribed by the said recited Act, are liable to be taken for the Use of the said Cut or Canal: And whereas a Stream of Water or Brook, known by the Name of Springwall Brook, arising in or near Springwall Slade, and sundry other small Streams arising in several Commons called Teddesley-Hay, lying within the Manor of Teddesley-Hay, in the said County of Stafford, belonging to Sir Edward Littleton Baronet (except the Stream or Water herein after excepted) together with the waste Water of a certain Brook called Sarebrook, running below

below and on the Side of a certain Mill called Sarden Mill, will, as apprehended, yield a full Supply of all further Water which may be wanted for the Use of the said Navigation; be it therefore enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, to have, take, and use so much and such Parts of the said Streams of Water of the said Brook called Springwall Brook; and so much of the several Streams running along, over, or through any of the Commons within the said Manor of Teddesley-Hay, and of the waste Water of the said Brook called Sarebrook, making Satisfaction for the same, as shall or may be wanted for the Use of the said Navigation, and to make such Reservoirs on the said Commons as shall be necessary for the Use of the said Cut or Canal, in such Manner, that there shall at all Times be left at least a full Acre of Land covered with Water, and a Depth of Water left in the said Reservoirs of at least Three Feet, for the Preservation of the Fish, which shall for ever hereafter be the sole Property of the said Sir Edward Littleton, his Heirs and Assigns; and to dig, cut, and make proper Aquaeducts, Drains, Soughs, and Channels, for the effectual carrying and conveying of the aforesaid Waters into the said Cut or Canal; the Fishery of which Streams shall, as far as they run through any of the Manors of the said Sir Edward Littleton, at all Times hereafter belong to the said Sir Edward Littleton, his Heirs and Assigns; any Thing herein or in the said recited Act contained to the contrary notwithstanding.

Water may be taken from Commons belonging to Sir *Edward Littleton*, &c.

Provided always nevertheless, and be it enacted by the Authority aforesaid, That nothing herein before contained shall extend, or be construed to extend, to authorise or impower the said Company of Proprietors, their Successors or Assigns, to take, divert, or use a certain Spring or Stream arising on a Part of the said Common of Teddesley-Hay, at a Grove of Alders growing in a Place there called Penkridge Moor Head, running in its natural Course into Teddesley Park, the Seat of the said Sir Edward Littleton, intended at all Times hereafter to be taken and used and solely enjoyed by the said Sir Edward Littleton, his Heirs and Assigns, for the Use of his Mansion or Dwelling-house and Gardens in Teddesley Park aforesaid: And that it shall and may be likewise lawful to and for the said Sir Edward Littleton, his Heirs and Assigns, from Time to Time, and at all Times hereafter, to take out of and from the said

Certain Springs not to be used.

Aquaeducts, Drains, Soughs, and Channels, hereby authorised to be made in, through, and over the said Commons of Teddesley-Hay aforesaid, so much and such Quantities of Water as shall be necessary and requisite for the Supply of the several Pools of the said Sir Edward Littleton, now situate, lying, and being in and upon the said Commons.

If *Teddesley-Hey* Commons are inclosed, Water to be given up sufficient for the Inclosures.

Provided always, and be it further enacted, That in case the said Commons of Teddesley-Hay, or any of them, or any Part thereof, shall at any Time hereafter be inclosed, that then the said Company of Proprietors, their Successors and Assigns, shall yield and give up to the Land-owners of such Part of the said Commons as shall be so inclosed, such a sufficient Quantity of the said Streams of Water as shall be sufficient to supply proper Watering-places for Cattle with Water, from or out of the said Aquaeducts, Drains, Soughs, and Channels, so long only as the Occupiers of such Lands and Grounds shall not make or permit, or suffer any wilful Waste to be made of the said Water.

Shares to be Personal Estate.

And whereas the several Shares and Interests of the said Company of Proprietors of and in the said Undertaking and Premises, are by the said Act vested in them, and their several and respective Heirs and Assigns, in the Nature of Real Estates, which it is apprehended may be productive of Inconveniencies to the said Proprietors; be it therefore further enacted, That from and after the Twenty-ninth Day of September, One thousand seven hundred and seventy, all and every the Shares of the said Navigation, raised or created by the said recited Act, shall be deemed to be Personal Estate, and shall be transmissible as such, and not of the Nature of Real Estates; any Thing in the said recited Act contained to the contrary notwithstanding.

Satisfaction for Damage done in getting Materials.

And be it further enacted by the Authority aforesaid, That from Time to Time, as the said Company of Proprietors, their Agents and Servants, shall, by virtue of the Powers of the said former Act, dig, take, and carry away, any Soil, Clay, Gravel, or Stone, for making, carrying on, and completing the said Cut or Canal, and other Works authorised by the said former Act, or this present Act, in or from the Grounds of any Person or Persons adjoining or lying near thereto, or the Course thereof; the said Company shall make a reasonable Satisfaction for the same, from Time to Time, within Three Calendar Months after such Materials shall be got or dug, and the Damages done

to such Land or Ground can be ascertained, and Application shall be made by the respective Owners for that Purpose; and in case the said Company and Owners of Lands from whence such Soil, Clay, Gravel, or Stone shall be got, cannot agree upon such Satisfaction; or the said Land Owners shall refuse to treat; or, by reason of Absence, shall be prevented from treating; or through Disability, Non-age, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall become necessary; then the said Satisfaction shall be determined by Commissioners, or a Jury, in such Manner as directed by the said recited Act in respect of any other Satisfaction to be made by the said Company.

Road to the Wharfs and Bridge at *Kidderminster*,

And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, and they are hereby authorised and impowered to make and keep in Repair, sufficient and convenient Roads or Ways to and from the Two Wharfs, and One Bridge, now made, erected, and built, or now making, erecting, and building upon and over the said Cut or Canal within the Borough of Kidderminster, in the said County of Worcester, into the said Town of Kidderminster, through the Lands and Grounds lying near and convenient thereto, not exceeding Ten Yards in Width, making full Satisfaction for such Lands and Grounds, in such Manner and Form as is directed by the said recited Act, for other Lands to be taken and used for the Purposes of the said Navigation; any Thing in the said recited Act contained to the contrary thereof in any wise notwithstanding.

to be maintained by the Company.

Provided always, That the Lands so to be set out shall not be used for any other than the Purposes above mentioned; and the said several Roads, when made by the said Company of Proprietors, shall for ever thereafter be maintained and kept in Repair by the said Company of Proprietors.

Company may take Tonnage for less than a Mile.

And whereas it may be doubtful whether the said Company of Proprietors are authorised by the said Act to take the Rates of Tonnage for a less Distance than a Mile; be it therefore further enacted by the Authority aforesaid, That for the future the Rates of Tonnage granted by the said former Act, for every Mile any Coals, Stone, Timber, Goods, Wares, or Merchandizes shall be carried or conveyed upon the said Cut or Canal, shall be paid and payable proportionably for any less Distance than a Mile, which any such Com-

modities shall be carried or conveyed upon the said Cut or Canal; and the Rates for any such Proportion of a Mile shall and may be collected, recovered, and applied as the Tonnage Rates are by the said Act directed to be collected, recovered and applied, any Thing in the said former Act contained to the contrary thereof notwithstanding; and that the Boats, Barges, and other Vessels which shall pass through the Two Locks erected between the River Severn and the Canal Bason, shall, for passing through such Two Locks, pay a Toll or Lock-due at and after the Rate of One Penny per Ton, in lieu of the Tonnage of One Penny Halfpenny per Mile fixed by the said recited Act; and the said Toll or Lock-due shall and may be collected, recovered, and applied as the Rates, Tolls, or Duties are by the said recited Act directed to be collected, recovered, and applied.

Company may lower the Tolls, and raise them again.

And be it further enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns at any General Assembly, from Time to Time to lessen or reduce all or any of the said Rates, Tolls, and Duties, by the said recited Act granted, for any Time or Term the said Company of Proprietors shall think fitting: And that it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, by themselves alone, and without the Consent or Interposition, and independent of the Power and Controul of the said Commissioners, or any of them, at any subsequent General Assembly or Special Meeting of the said Proprietors, held before the Expiration of the Time or Term for which the said Rates, Tolls, and Duties shall have been so lessened or reduced, again from Time to Time to raise and advance all or any of the said Rates, Tolls, or Duties so lessened or reduced, to any Sum or Sums of Money not exceeding the respective Rates, Tolls, and Duties, in and by the said recited Act granted.

Tolls not to be lessened but by Consent of the major Part of 21 Commissioners, after Notice.

Provided nevertheless, That such Reduction of the Tolls, and the Time for which the same shall be reduced, shall be made by and with the Consent of the major Part of at least Twenty-one Commissioners assembled for that Purpose; of which Assembly or Meeting of the said Commissioners, Twenty Days Notice at least shall be given in One of the Birmingham News-Papers.

Reduction to extend to the whole Navigation.

Provided also, That no Reduction of the Rates, Tolls, and Duties by the said recited Act granted, shall be confined to any particular Part of the said Cut or Canal,

Canal, but shall equally extend and take Place upon the Whole, and every Part thereof; and the Rates, Tolls, or Duties so reduced, shall and may be collected, recovered, and applied, as the Rates, Tolls, or Duties are by the said recited Act to be collected, recovered, and applied.

And whereas by the said recited Act, Powers were given to the Commissioners therein named, or thereby to be appointed, to determine and adjust, and, under the particular Circumstances, and upon the particular Occasions therein mentioned, to issue their Warrants to the Sheriffs of the Counties of Stafford and Worcester respectively, to impanel a Jury to inquire of, assess, and ascertain the Sum or Sums of Money or annual Rent to be paid for the Purchase of any Lands or Grounds which should be set out and ascertained for making the said Cut or Canal, or any Part thereof, or other the Purposes therein mentioned, and also the Recompence to be made for any Damage that might or should be at any Time or Times whatsoever sustained by reason of the making, repairing, or maintaining the said Cut or Canal, Trenches, Passages, Watercouses, Roads, Ways, or Sluices, or in supplying the same or any of them with Water; or by the flowing, leaking, or oozing of Water over or through the Banks thereof; or by reason or means of the Execution of any Powers therein contained: And whereas it might be disagreeable and inconvenient to the Parties interested, if the said Commissioners and Juries, or either of them, were to blend the Consideration of the Value of the Lands and the Damages which then have been, or may then after be, sustained, in one and the same Judgement or Verdict, and in one gross Sum; be it therefore further enacted by the Authority aforesaid, That the said Commissioners and Juries respectively, shall from henceforth award all Determinations, Judgements and Verdicts, which they shall respectively make and give in the Execution of the Powers vested in them by virtue of the said recited Act, or this present Act, concerning the Value of Lands, and Damages sustained or to be sustained, separate, and shall distinguish the Value set upon the Lands, and the Money assessed or adjudged for Damages, separate and apart from each other.

Value of Lands and Money for Damage to be assessed separate.

And, for securing the more certain and speedy Payment of such Sum or Sums of Money, or annual Rent, as has been or shall be contracted or agreed for between the said Company of Proprietors, their Suc-

Purchase-money how to be recovered.

cessors

ceſſors or Aſſigns, or any Perſon or Perſons nominated or appointed by them, and the ſeveral Owners of, and Perſons intereſted in any Lands, Grounds, Tenements, or Hereditaments, or determined and adjuſted by the ſaid Commiſſioners, or any Five or more of them, or aſſeſſed by any Jury, in the Manner directed by the ſaid recited Act, for the Purchaſe of ſuch Lands, Grounds, Tenements or Hereditaments, be it enacted by the Authority aforeſaid, That the ſaid Commiſſioners, or any Five or more of them, ſhall have all and every the like Powers for recovering and applying ſuch Sum or Sums of Money, or annual Rents, with the Coſts occaſioned by the Refuſal or Default of Payment thereof, as is by the ſaid recited Act granted to or veſted in the ſaid Commiſſioners, or any Five or more of them, in the Caſe of Default of Payment of any Sum or Sums of Money, aſſeſſed and awarded for Damages of any Kind, by virtue of the ſaid recited Act, by the ſaid Commiſſioners, or any Five or more of them, and the Coſts occaſioned by the Refuſal or Default of Payment of ſuch Damages; or otherwiſe, that the Party or Parties aggrieved ſhall and may have a Remedy for ſuch Sum or Sums of Money or annual Rent, ſo contracted and agreed for, determined, adjuſted, or aſſeſſed, by Action at Law, in any of His Majeſty's Courts of Record at Weſtminſter, againſt the ſaid Company of Proprietors, their Succeſſors and Aſſigns, to recover the ſame with full Coſts of Suit.

Like Power of Recovery, and Application, as by recited Act.

And be it further enacted by the Authority aforeſaid, That if the ſaid Company of Proprietors, their Succeſſors and Aſſigns, or their Agents, Workmen and Servants, ſhall enter upon any ſuch Lands, Grounds, Tenements or Hereditaments, with an Intent to make the ſaid Cut or Canal, and ſhall actually begin to make the ſame, without the Conſent of the Leaſehold Tenant or Occupier thereof, in caſe ſuch Owner ſhall be out of the Kingdom, or under any Diſability to act, before ſuch Contract or Agreement is or ſhall be made, or before the Satisfaction to be paid for the ſame ſhall be determined and adjuſted as aforeſaid by the ſaid Commiſſioners, or any Five or more of them, or aſſeſſed by a Jury, in the Manner directed by the ſaid recited Act, as far as Circumſtances and the Nature of the Caſe will admit; in every ſuch Caſe, the Party or Parties aggrieved ſhall and may bring their Action or Actions at Law againſt the ſaid Company of Proprietors, their Succeſſors and Aſſigns, and recover Treble Damages, with full Coſts of Suit.

Lands not to be entered without Leave.

Vessels passing Locks with less than Six Tons Burthen, to pay a Lock Due for Waste of Water, and Tonnage for Six Tons.

And be it further enacted, That every Boat or other Vessel passing through any Lock on the said Navigation, with less Lading than Six Tons, shall pay to the said Company of Proprietors, their Successors or Assigns, as a Lock Due for Waste of Water, the Sum of Sixpence at each Lock which every Boat or other Vessel shall so pass through; and shall also pay a Tonnage Rate for Six Tons of Lading, in the same Manner as if such Boat or other Vessel had actually Six Tons of Lading on Board; any Thing in the said recited Act contained to the contrary notwithstanding.

Proprietors may regulate the Price of small Parcels under 100 Pounds.

And, for the regulating the Price of Freight to be charged or taken by the Owners or Masters, or other Persons belonging to any Boat or Vessel, for the Carriage of small Parcels upon the said Cut or Canal; be it enacted by the Authority aforesaid, That it shall and may be lawful to and for the said Company of Proprietors, their Successors and Assigns, from Time to Time, and at all Times hereafter, at any General Assembly of the said Company of Proprietors, with the Consent of the major Part of at least Twenty-one Commissioners at any General Meeting of Commissioners assembled for that Purpose, to make such Bye-law or Bye-laws for ascertaining and fixing the Price, Sum or Sums of Money, to be charged or taken for the Carriage of any Parcel, not exceeding One hundred Weight, upon the said Cut or Canal, or upon any Part thereof, as to them shall seem fitting and reasonable; and that the said Company of Proprietors, their Successors and Assigns, shall from Time to Time print and stick up, or caused to be printed and stuck up, upon every Publick Wharf on the said Cut or Canal, in some conspicuous Place there, a printed Paper, ascertaining and particularizing the Price or Sum or Sums of Money to be charged or taken for the Carriage of all and every such Parcel or Parcels, not exceeding One hundred Weight as aforesaid, upon the said Cut or Canal, or upon any Part thereof; and in case any Owner or Master of, or other Person belonging to, any Boat or other Vessel, navigated or passing upon the said Cut or Canal, after such printed Paper, so ascertaining and particularising the Price or Sum or Sums of Money at which every such Parcel shall be so carried or conveyed, shall be so stuck up as aforesaid, shall demand or take more than the Price, or Sum or Sums of Money, in such printed Paper ascertained and particularised, such Owner, Master, or other Person as aforesaid, shall, for every such

such Offence, forfeit and pay any Sum not exceeding the Sum of Fifty Shillings; and that Sixty Square Feet of light Goods, shall be deemed and taken to be a Ton Weight in all Parts of the said Navigation; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding; and such Bye-laws shall be valid, and shall be binding unto and upon all Persons whomsoever.

Penalty on Persons wantonly opening the Locks, &c.

And be it further enacted by the Authority aforesaid, That if any Person or Persons whosoever shall wantonly, or through Carelesness or Negligence open or cause to be opened any Lock, Paddle, Valve, or Clough belonging to the said navigable Cut or Canal; or shall in such Manner suffer any Boat or other Vessel to strike or run upon any of the Bridges or Locks thereof; or if any Person or Persons shall wilfully flush or draw off the Water, or cause the same to be drawn off, from any Part of the said Canal, or shall leave any of the Cloughs open and running after any Boat or other Vessel shall have passed any Lock belonging to the said Cut or Canal; or if any Person or Persons shall draw or cause to be drawn, any Paddle, Valve, or Clough, in the Lock-gates on the said navigable Cut or Canal, so as to mispend or waste the Water in such navigable Cut or Canal, or shall wilfully and maliciously do any other Act to the Prejudice of the said Navigation; then, and in every such Place or Part of the said Canal where the Water shall have been so drawn off, or run into the common Stream through the Banks of the said Navigation, the said Company of Proprietors shall and may, and they are hereby impowered to take and divert into the said Canal such Quantities of Water, and no more, from the Stream or Streams lying adjacent to such Parts of the said Canal, in order thereby to supply the said Canal with so much Water as shall have been so wasted or run out therefrom; and 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 Counties of Stafford or Worcester respectively, by the Oath of One or more Witness or Witnesses, which Oath such Justice or Justices is and are hereby respectively impowered to administer, shall forfeit and pay, for every such Offence, any Sum not exceeding the Sum of Five Pounds, nor less than Twenty Shillings, at the Discretion of the said Justice or Justices.

Mitigation of Punishments in Cases made Felony by the former Act.

And be it further enacted, That in all Cases where any Person or Persons shall be convicted of Felony for any Offence done or committed against the said recited Act,

Act, that the Court by and before whom such Person or Persons shall be tried and convicted, if to such Court it shall seem fitting, shall and may in Mitigation of such Punishment, and instead of transporting such Felon or Felons to some of His Majesty's Plantations in America in like Manner as other Felons are directed to be transported by the Laws and Statutes of this Realm, award such Sentence as the Law directs in Cases of Petty Larceny.

Penalties and Forfeitures how to be recovered and applied.

And it is hereby further enacted and declared by the Authority aforesaid, That all the Penalties and Forfeitures inflicted and made payable by the said recited Act, or this present Act (except in Cases wherein it is otherwise ordered, directed, and provided) where such Penalties or Forfeitures do not exceed the Sum of Five Pounds, shall and may be recovered by Distress and Sale of the Offender's Goods and Chattels, by a Warrant or Warrants under the Hand and Seal, or Hands and Seals, of any Justice or Justices of the Peace for the said Counties of Stafford or Worcester respectively, as the Case shall happen; and in case sufficient Distress shall not be found, it shall and may be lawful for any such Justice or Justices to commit the Offender or Offenders to the Common Gaol of the said County of Stafford, or to the Common Goal of the said County of Worcester, as the Case shall happen, which such Justice and Justices is and are hereby authorised to do, there to remain without Bail or Mainprize for any Space of Time not exceeding Three Months, nor less than One Month.

Powers, &c. of the former Act extended to this.

And be it further enacted by the Authority aforesaid, That the said recited Act, and all the Clauses, Provisoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Satisfactions, Penalties, Forfeitures, Punishments, Matters, and Things therein contained (except such Parts thereof as are hereby varied or altered) shall extend, and are hereby extended to, and shall take place, operate, and be put in Execution, in, for, and in respect of the making, compleating, repairing, maintaining, and using the said new-intended Course and Aquaeducts of the said Cut or Canal, and the several Works, Matters, and Things, in and by the said recited Act, or in and by this Act authorized to be made, done, and performed, and for the Punishment of Offences in relation thereto, and for the selling and conveying of Lands, Tenements, and Hereditaments, and ascertaining the Value thereof, and all other Matters and Things

which

which shall relate to, or happen or arise by or in consequence of the Execution of all or any of the Powers of this Act, in such and the same Manner, and as fully and effectually to all Intents and Purposes whatsoever, as the same can or may operate and be executed to, upon, for, or in respect of such Parts of the said Cut or Canal already begun or executed, and the several Works, Matters, and Things in the said recited Act mentioned or authorised to be made, done, and performed, and as if all the said Clauses, Provisoes, Tolls, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Penalties, Forfeitures, Punishments, Matters, and Things were herein repeated, re-enacted, and applied to the said new-intended Course of the said Cut or Canal, Aquaeducts, Tunnels, Soughs, Trenches, Sluices, Piers, Arches, Bridges, and the several other Matters and Things by this Act authorised to be made, done, and performed, or as the same would have done if the said new-intended Course of the said Cut or Canal, Works, Matters, and Things, hereby enacted and authorised to be made and done, had been enacted and authorised to be made, done, and performed by the said recited Act; any Thing herein contained to the contrary notwithstanding.

Limitation of Actions.

And be it further enacted by the Authority aforesaid, That if any Action, Suit, or Information, shall be brought or commenced against any Person or Persons, for any Thing done or to be done in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions herein before given and granted; every such Action, Suit, or Information, shall be brought or commenced within Six Calendar Months next after the Fact committed, and not afterwards; and shall be laid and brought in the County where the same Offence shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit, 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 present Act: And if it shall appear to have been so done; or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid; then, and in such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, af-

General Issue.

ter the Defendant or Defendants shall have appeared; or if a Verdict shall pass against the Plaintiff or Plaintiffs; or if upon demurring, 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 or Defendants have or hath for Costs of Suit, in any other Cases by Law.

Treble Costs.

Publick Act. And be it further enacted by the Authority aforesaid, That this Act shall be allowed, in all Courts whatsoever, as a Publick Act; and all Judges, Justices, and other Persons are hereby required to take Notice of it as such, without specially pleading the same.

FINIS.