

ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CIII.

An Act for making and maintaining a Navigable Cut or Canal from the *Melton Mowbray* Navigation, in the County of *Leiceſter*, to *Oakham*, in the County of *Rutland*.

[7th *May* 1793.]

WHEREAS a Communication by Water between the River Trent and the Town of Oakham, in the County of Rutland, would be productive of great publick Advantage, and a particular local Benefit to the ſaid Town, and the Neighbourhood thereof, and to ſeveral Parts of the Country through which the ſaid Communication is intended to be made, by rendering the Carriage of Coal, Lime, Lime Stone, Lead, and all Kinds of Merchandize to the ſaid Town and Neighbourhood, and to ſeveral Parts of the Counties of Rutland and Leiceſter, much cheaper and eaſier than it is at preſent: And whereas, by virtue of Preamble.

ſeveral Acts of Parliament, a Navigable Communication has been undertaken, and is nearly perfected between the ſaid River Trent and the Town of Melton Mowbray, in the ſaid County of Leiceſter, by the Rivers Soar, Wreak, and Eye: And whereas, by Surveys lately taken, it appears that a Navigable Cut or Canal for Boats, and other Veſſels of heavy Burthen, may be extended and made from the ſaid Navigation at or near Melton Mowbray aforeſaid, into a certain Place or Cloſe called Cutt's Cloſe, in the Pariſh of Oakham aforeſaid: And whereas the ſeveral Perſons herein-after named are deſirous, at their own Coſts and Charges, to make and maintain the ſaid intended Canal; but the ſame cannot be done without the Aid and Authority of Parliament: Wherefore may it 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,

Proprietors. That the moſt Noble Iſabella Ducheſs of Rutland, the moſt Noble Henry Duke of Beaufort, the Right Honourable George Earl of Winchilſea and Nottingham, the Right Honourable Henry Earl of Gainſborough, the Right Honourable Robert Earl of Harborough, the Right Honourable Peniſton Lord Viſcount Melbourne in the Kingdom of Ireland, the Honourable Peniſton Lamb, Sir Gilbert Heathcote Baronet, Jonathan Abbey, Frances Adcock, Thomas Auſtin, John Suffeild Brown, Robert Bree M. D. William Berry, William Bartin Burton, John Briggs, Thomas Buxton, William Babington, Thomas Bankart, James Bankart, the Reverend William Brereton Clerk, George Banton, John Basford, Elizabeth Broomhall, John Buirch, Henry Beſtland, Benjamin Bullivant, William Bellears, Amos Butt, John Boſworth, Thomas Banton, John Clementſon, Samuel Caldecott, John Caldecott, John Calvert, Andrew Carpendale, Benjamin Cramp, John Combes, John Crutchley, Edward Clementſon, Lant Campion, Henry Douley M. D. Mary Davie, Richard Day, Thomas Davis, John Davenport, Gerard Noel Edwards, William Eyre ſenior, William Elverſon, Thomas Forſyth, John Freer, William Forman, William Firmadge, William Gillſon, John Greenfield, Richard Grice, William Gibſon, Elizabeth Grice, Joſeph Hurlock, John Heathcote, John Holliday, Edmund Cradock Hartopp, the Reverend Edward Healy Clerk, the Reverend John Hopkinſon Clerk, Robert Hawley, Hannah Hawley, Ann Hawley, Richard Helm, John Hanſcomb, Robert Hind, William Hind, Seth Hoſe, Robert Hickling, Thomas Hack, William Jeſſopp,

Matthew Jackſon, Evan Jones, Joſeph Inkerſole, William Inkerſole, Thomas Inkerſole, William Keal, Rebecca Keal, Charles Latham ſenior, Charles Latham junior, Edward Dewick Lawton, the Reverend Robert Myddelton Clerk, John Mackinder, John Meſſing, John Maſon, Thomas Milner, Richard Morriſon, John Mould, Samuel George Noble, Matthew Nicks, the Reverend Thomas Orme Clerk, Peter Oliver, Samuel Oliver, William Pochin, George Pochin, Mary Pochin, Samuel Parke, James Potter, James Parke, Ellis Shipley Peſtell, John Pullin, William Reeve, Samuel Reynardſon, Jacob Reynardſon, Palin Ropſon, George Royce, the Reverend Caſtle Sherard Clerk, William Sherrad, Thomas Sharpe, Thomas Sewell, John Shipley, Richard Shipley, Chriſtopher Staveley junior, Chriſtopher Staveley ſenior, William Siſſon, Thomas Stone, Benjamin Sutton, Thomas Swinburn, William Smith, Thomas Stimſon, the Reverend Robert Thomlinſon Clerk, James Tiptaft, Charles Twells, Mary Turner, John Frewin Turner, Ann Tomſon, Willam Underwood, John Vellam, John Wingfield, the Reverend Richard Williams Clerk, John Whitchurch, Thomas Watchorn, Francis Ward, Thomas Wainer, Edward Hartopp Wigley, the Reverend James Wood D. D. Elizabeth Wingfield, the Reverend Henry Woodcock Clerk, Ann Wing, Ralph Willcocks, and John Wood, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch other Perſon or Perſons as at any Time hereafter ſhall be poſſeſſed of One or more Share or Shares, as herein-after mentioned, of the ſaid Navigation, are and ſhall be united into a Company for the better carrying on, making, and maintaining the ſaid Navigation, according to the Rules, Orders, and Directions herein-after expreſſed, and ſhall for that Purpoſe be One Body Politick and Corporate, by the Name of The Company of Proprietors of the Oakham Canal; and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall and may ſue and be ſued, and alſo ſhall and may have Power and Authority to purchaſe Lands, Tenements, or Hereditaments, to them and their Succeſſors and Aſſigns, for the Uſe of the ſaid Navigation, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and alſo to ſell any of the ſaid Lands, Tenements, or Hereditaments, purchaſed for the Uſe of the ſaid Navigation, and any Perſon or Perſons, or Bodies Politick or Corporate, may give, grant, bargain, ſell, or convey to the ſaid Company of Proprietors any Lands, Tenements, or Hereditaments, for the Uſe and Benefit of the ſaid Navigation;

Incorporated.

Their Style.

vigation; and the said Company of Proprietors shall be, and they are hereby authorized and impowered, from and after the First Day of June One thousand seven hundred and ninety-three, on which Day this Act shall commence and take Effect, by themselves, their Deputies, Agents, Officers, Workmen, Servants, and Assistants, to make and complete a Canal, navigable and passable for Boats, Barges, and other Vessels, out of and from a certain Place or Close called Mill Close Homestead, in the Parish of Melton Mowbray aforesaid, through the several Parishes, Hamlets, and Places of Melton Mowbray aforesaid, Thorpe Arnold, Burton Lazars, Brentingby, Wyverby, Freeby, Saxby, Wymondham, and Edmondthorpe, in the said County of Leicester, and through the several Parishes, Hamlets, and Places of Teigh, Market Overton, Barrow, Cottesmore, Burley, Langham, and Barlythorpe, to the said Place called Cutt's Close, in the Parish of Oakham aforesaid, and to supply the said Canal whilst the same shall be making, and when made, with Water from all such Springs as shall be found in making the said Canal, and also from all such Rivers, Brooks, Streams, Watercourses, and Springs as are or shall be found within the Distance of One thousand Yards from any Part of the said intended Canal (except as herein-after is excepted), or from the Reservoir to be made as herein-after mentioned, and also to make such Reservoir as shall be necessary for the Purposes of the said Canal, for the more conveniently supplying the said Canal with Water, and also such and so many Feeders and Aqueducts as they shall think fit for supplying the said Canal and Reservoir with Water; and for those Purposes in, upon, and through the Lands and Grounds of or belonging to the King's Majesty, his Heirs and Successors, or of any other Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, to enter, and to bore, dig, cut, trench, sough, remove, and lay Earth, Stone, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters and Things which may be dug or got in the making such Canal and Works, or which may hinder, prevent, or obstruct the making, completing, and maintaining the same, and for making, completing, and maintaining such Trenches, Passages, Gutters, and Watercourses as shall be necessary and proper to convey Water to and from the said Canal, according to the true Intent and Meaning of this Act; and also to make, build, erect, and set up, in or upon the said Canal, or upon the respective Lands adjoining or near to the same, such and so many Bridges, Tunnels, Aqueducts, Sluices,

Their Powers.

To build Bridges, &c.

Sluices, Locks, Flood Gates, Wharfs, Quays, Warehouses, Landing Places, Cranes, and other Works, and all such Ways, Roads, and Conveniences, as shall be necessary for the Purposes of the said Navigation; and also from Time to Time to turn, alter, repair, and amend the same, and to make, widen, and enlarge all or any of the said respective Works or Conveniences, as well for the carrying and conveying of Coals, Lime, Goods, and other Things to and from the said Canal, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, amending, widening, or enlarging the said Works, respectively, of and belonging to the said Navigation, and also to place, lay, work, and manufacture any Materials on the Grounds near to the Place or Places where the said Works, or any of them, shall and are intended to be made, erected, repaired, or done, and to build and construct the several Locks, Bridges, Works, and Erections belonging thereto, and also to make, maintain, repair, and alter or turn any Roads, Fences, or Passages over, under, through, or along the Side of the said Canal, or the Tunnels, Aqueducts, Soughs, Trenches, Passages, Gutters, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set up, and appoint such Towing Paths, Banks, Roads, and Ways, convenient for towing, haling, or drawing of Boats, Barges, and other Vessels passing in, through, or upon the said Canal, with Men, Horses, or otherwise, as they the said Company of Proprietors shall think convenient; and also to dig, take, and carry away any Soil, Clay, Gravel, or Stone, proper, requisite, or convenient for carrying on and continuing the said Works, in or from any Ground or Grounds of any Person or Persons adjoining or lying convenient thereto; and to construct, erect, and keep in Repair any Piers, Arches, and other Works in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing the said Canal, and Towing Paths on the Side or Sides thereof, and also to construct, erect, make, and do all other Matters and Things which shall be necessary for the making, effecting, extending, preserving, improving, completing, and using the said Navigation, in pursuance of, and according to the true Intent and Meaning of this Act, they the said Company of Proprietors doing as little Damage as may be in the Premises, and making Satisfaction, in Manner herein-after mentioned, to the Owners and Proprietors of such Lands or Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, as shall be taken, used, removed,

Towing Paths, &c.;

and dig Gravel and Materials;

making Satisfaction for Damages.

removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, their Agents, Workmen, and Servants, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted.

Houses, Gardens, &c. not to be used without the Consent of the Owners.

II. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to authorize the said Company of Proprietors, or any Person or Persons employed by them, to exercise any of the Powers hereby given, upon, through, or over any Land or Ground whatsoever, which on the First Day of January One thousand seven hundred and ninety-three, was a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed and adjoining to a Mansion House, without the Consent of the Owners of the same respectively.

No Reservoir to be made except in the Place described in the Plan.

III. Provided always, and be it hereby enacted, That no Reservoir shall be made in any Place which is not described in the Plan hereby required to be authenticated by the Speaker of the House of Commons, without the Consent in Writing of every Proprietor of Lands, on which such Reservoir is intended to be made, being first had and obtained.

Clause to protect the Grist Mill at *Melton Mowbray*, in the County of *Leicester*.

IV. And whereas a certain Water Grist Mill, called The Two Eye Mill, situate in the Parish of Melton Mowbray aforesaid, and now belonging to the Devisees of Philip Burton Esquire, lately deceased, who held the same by Lease under the See of Ely, is constantly and principally supplied with Water (and especially in the Summer Season, when the River Eye is exceedingly low) by a certain Rivulet or Stream of Water which takes its Rise and is fed by divers Springs at the Distance of several Miles up the Country, and now runs to the said Grist Mill through a Course or Dyke called Scalford, otherwise Scafford Dyke: And whereas the said intended Canal will, according to the Line or Course proposed, intercept the said Rivulet or Stream of Water, and thereby deprive the said Grist Mill of its usual Supply of Water, unless the same be particularly provided against; be it therefore further enacted by the Authority aforesaid, That the said Company of Proprietors, or their Successors, shall at their own Expence, and to the Satisfaction as well of the Devisees of the said Philip Burton, their Heirs or Assigns, as of the Lord Bishop of Ely for the Time being, make, and at all Times thereafter maintain and keep in good Repair, a proper and

sufficient Culvert, Tunnel, or Aqueduct, for conveying the said Rivulet or Stream of Water under the said intended Canal, so that the same may run or flow to the said Grist Mill in as large a Body and with as great a Power as at present; and that the said Company of Proprietors, or their Successors, shall not at any Time divert or alter the Course of the said Rivulet or Stream of Water, otherwise than through such Culvert, Tunnel, or Aqueduct as aforesaid, nor draw off, take, or lead into the said Canal hereby authorized to be made, or into any Reservoir to be made by them for the Supply of the said Canal, any Water whatsoever from or out of the said Rivulet or Stream of Water, or any of the Brooks or Springs which run into or feed the same, at any Time or Times whatsoever, without the Consent in Writing of the Devisees of the said Philip Burton, their Heirs or Assigns, or of their Undertenant or Undertenants for the Time being, or of the Lessee or Lessees for the Time being of the present or any future Lord Bishop of Ely, for that Purpose, first had and obtained.

For preserving the Water in *Langham Brook*.

V. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or impower the said Company of Proprietors, or any Person or Persons acting under their Authority, to take, for the Use or Supply of the said intended Canal, any Water from or out of the Langham Brook, or any of the Streams or Watercourses which run into or supply the said Brook, except such Water as may be taken into any Reservoir to be made by virtue of this Act for supplying the said intended Canal in Time of Floods; nor to take or draw any Water from or out of the Brooks, Springs, or Streams of Water running or flowing through, or found in or upon the Lands or Grounds of the said Earl of Harborough, in Saxby and Wymondham aforesaid, without the Licence and Consent of the said Earl, his Heirs or Assigns, in Writing, for that Purpose first had and obtained.

For preserving a Spring in the Lordship of *Wymondham*, to the Earl of *Harborough*, or securing an adequate Quantity of Water in lieu thereof.

VI. And whereas a certain Spring of Water, lying and being within Wymondham aforesaid, in or near to a certain Lane leading from Stapleford to Wymondham aforesaid, and marked upon the Plan of the proposed Canal, belonging to the said Earl of Harborough, is of great Use in supplying the Mansion House of the said Earl at Stapleford aforesaid with Water, the total Loss of which might injure the Property of the said Earl, unless an adequate Quantity of Water was secured to him out of the said intended Canal in Manner hereinafter mentioned; be it therefore enacted, That the said Com-

Company of Proprietors shall not take, lead, or divert any Water from the said Spring into the said Canal, for the Purposes of the said Navigation, without securing to the said Earl, his Heirs and Assigns (if required by him or them) an adequate Quantity of Water out of the said Canal in lieu thereof; but that the said Company of Proprietors shall and will in that Case discharge or cause to be discharged from the said Canal, at the Costs and Charges of the said Earl, his Heirs or Assigns, so much and as large a Quantity of Water, as shall at the least be equal to the Average Quantity which now flows from the said Spring in common Seasons.

No Water to be taken from *Thorpe Brook*;

VII. Provided always, and be it further enacted, That nothing in this Act shall extend, or be construed to extend, to authorize the said Company of Proprietors to divert or take, for the Use of the said intended Canal, any of the Waters of Thorpe Brook, or from any of the Streams, Brooks, or Watercourses, flowing into the same or communicating therewith.

nor any Water into the Summit Level, by any Engine, &c.

VIII. Provided also, That no Water shall be taken or drawn into the Summit Level, from the said intended Canal, or any Part thereof, or from the Locks, Sluices, Tunnels, or Drains communicating therewith, by Means of any Engine, Tunnel, or Device whatsoever.

The Lands in *Saxby* and *Wymondham* not to be cut till the other Parts of the Canal are made.

IX. Provided always nevertheless, and be it further enacted, That it shall not be lawful for the said Company of Proprietors, their Servants, Agents, or Workmen, to enter into or upon any of the Lands or Grounds of the said Earl of Harborough, in Saxby and Wymondham respectively, through which the said Navigable Canal is intended to pass, for the Purpose of cutting, digging, making, or using the said Navigation, or any Works belonging thereto, or to lay any Earth, Stone, Rubbish, or other Materials, upon any Part of such Lands or Grounds, without the Consent of the said Earl, his Heirs or Assigns, first had and obtained, until all the other Parts of the said Navigation shall, under and by virtue of the Powers, contained in this Act, be cut, made, and completed.

Limiting the Breadth of the Canal, Towing Paths, &c.

X. Provided always, and be it further enacted, That the Lands or Grounds to be taken or used for the said Canal and Towing Paths, and the Ditches, Drains, and Fences to separate such Towing Paths from the adjoining Lands and Grounds, shall not exceed Twenty Yards in Breadth, (except in such Places where any Dock, Bason, or Reservoir shall be made, or where the

said Canal shall respectively be raised higher, or cut more than Five Feet deeper than the present Surface of the Land or Ground, and also in such Places where it shall be judged necessary for Boats, Barges, and other Vessels to lie or turn, or pass each other, or where any Warehouse, Weighing Beam, Wharf, or Crane may be erected), nor more than Forty-five Yards in any of the said respective Places; nor shall any Land or Ground be set out, ascertained, contracted for, and sold for the Purposes of making any Navigable Cut, Trench, or Sluice, to convey Coal, Timber, Grain, or other Things to and from the said Canal, without the Consent of the Owner or Owners of the said Lands respectively, under his, her, or their Hand or Hands, in Writing, first had and obtained; any Thing herein contained to the contrary notwithstanding.

Power for the Earl of *Harborough* to alter Towing Paths.

XI. Provided always, and be it further enacted, That all such Towing Paths, Banks, Roads, and Ways, as shall be necessary to be made, set up, and appointed for the Purposes aforesaid, in Saxby and Wymondham aforesaid, shall be made, set up, and appointed on such Side or Sides of the said Navigation, within Saxby and Wymondham aforesaid, as the Right Honourable Robert Earl of Harborough shall order, direct, and appoint: Provided nevertheless, That the Course of such Towing Paths, Banks, Roads, or Ways, shall not be carried across from One Side of the said intended Navigation to the other more than twice in Saxby and Wymondham aforesaid respectively.

Restrictions as to Towing Paths, &c through the Rector of *Wyverby's* Lands.

XII. Provided always, and be it enacted, That all such Towing Paths, Banks, Roads, and Ways, as shall be necessary to be made, set up, and appointed for the Purposes of the said Navigation, in, upon, through, or over the Lands and Grounds of and belonging to the Rector of the Rectory and Parish Church of Wyverby aforesaid, shall be made, set up, and appointed on the South Side of the said Canal.

Towing Paths to be used as a Bridle Way, &c by the Occupiers of Land.

XIII. And be it further enacted, That all Owners and Occupiers of Land, adjoining to which the said Towing Paths shall be made, shall have free Liberty to use the same as a Footway and Bridleway to, from, or through their respective Lands; and in case any such Person or Persons as aforesaid shall not give way to the Horses employed in haling such Boats, Barges, or other Vessels, or shall wilfully stop or interrupt the Horses employed in haling Boats, Barges, or other Vessels as aforesaid, every such Person shall for every such Offence forfeit any Sum not exceeding Five Pounds, nor less than

Forty

Forty Shillings, at the Discretion of the Justice to whom Complaint shall be made.

For fencing Towing Paths.

XIV. And be it further enacted, That the said Company of Proprietors, their Successors and Assigns, shall and they are hereby required, at their own proper Charges, within Three Calendar Months next after any Part of the said Canal, Trenches or Passages, and Towing Paths thereto respectively belonging, shall be dug out and formed, to divide and separate, and keep constantly divided and separated, the Towing Paths on the Sides of the said intended Canal, and the Trenches, Feeders, and Passages hereby authorized to be made, from the Lands or Grounds adjoining to such Towing Paths, Trenches, Feeders, or Passages, with good and sufficient Posts, Rails, Quick Hedges, Ditches, Mounds, or other Fences, sufficient to keep off Sheep or other Cattle, to be set or made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in them as aforesaid, and shall, at their own Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Mounds, and other Fences so made as aforesaid; and the said Company of Proprietors shall also, at their own Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates and Stiles in and through the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid, and also such Bridges, Arches, Culverts, Drains, and Passages over, under, by the Side of, or into the said intended Canal, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of such Dimensions, and in such Manner, in all Respects wherein no particular Directions are hereby given, as the Commissioners herein-after appointed, or any Five or more of them, shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same; and where, by means of the said intended Canal, or any other Works hereby authorized to be made, any Cattle in the adjacent Lands and Grounds shall be deprived of Water, or the Occupiers of any such Lands or Grounds shall be deprived of their usual and accustomed Place or Places for washing Sheep, then, and in any such Case, the said Company of Proprietors shall, and they are hereby required, at their own proper Costs and Charges, to lay Tunnels where necessary through the Banks of the said Navigation, and make Cuts therefrom to communicate with the present Water-

For making Watering Places for Cattle, and Places for washing Sheep.

courses or Watering Places, or otherwise set out and provide proper and convenient Places in the Lands adjoining to the said Navigation, whereby the Cattle may conveniently be supplied with Water, and wherein the Occupiers of such Lands may wash their Sheep, in lieu and instead of the present Conveniences for those Purposes, and to supply the same with Water from and out of the said Navigation if necessary; and that the said Company of Proprietors, their Successors or Assigns, shall not make the said intended Canal, or any Feeder, Trench, or Watercourse, in or across any common Highway, publick or Bridle Way, or Foot Path, so as to obstruct the Passage along the same, until they shall, at their own proper Charges, have made and perfected such Bridges, Passages, or Arches across such Highway, Bridle Way, or Path, or convenient temporary Roads, Bridle Ways, or Foot Paths, for the Accommodation of all Persons whomsoever, until such Bridges, Passages, or Arches shall be completed, and of such Dimensions, and in such Manner, as the said Commissioners, or any Five or more of them, shall think proper, in case there shall be any Dispute about the same; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniences to be made by the said Company of Proprietors for the Purposes aforesaid, shall from Time to Time be by them supported, maintained, and kept in sufficient Repair; and in case the said Company of Proprietors shall refuse or neglect to make and erect such Fences, Gates, Stiles, Bridges, Arches, Tunnels, Culverts, Drains, or other Passages, for Water, or to make such Watering Places for Cattle, or Places for Washing Sheep as herein directed, or to repair, maintain, and support the same respectively, when erected, set up, and made, of such Dimensions, and in such Manner as aforesaid, for the Space of Three Calendar Months after Notice shall be given by or on Behalf of the Owners or Occupiers of any such Lands, Grounds, or Hereditaments, who may be aggrieved by any such Refusal or Neglect, it shall be lawful for any such Owners or Occupiers to make, erect, or set up such Fences, Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, and other Conveniences as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining the Works aforesaid, the said intended Canal, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or

in any other Manner than is absolutely necessary for the doing thereof; and all the reasonable Expences thereof (to be settled and allowed by the said Commissioners, or any Five or more of them) shall be paid to such respective Owners or Occupiers as aforesaid, by the said Company of Proprietors, within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof; and in Default of such Payment, the said Commissioners, or any Five or more of them, shall and they are hereby required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, and to be paid to such respective Owners or Occupiers as aforesaid, rendering to the said Company of Proprietors, or to some of their Agents, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale; or otherwise, such Owners or Occupiers respectively shall and may sue for and recover the same from the said Company of Proprietors, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at Westminster.

For levelling the Rubbish, &c. thrown on the adjacent Lands, and covering it with Soil.

XV. Provided always, and be it further enacted, That before any Clay, Gravel, Sand, Rubbish, or other Materials (except Soil), to be dug or got in the cutting or making of the said intended Navigation, and not used for some of the Works thereof, shall be laid upon any Land adjoining or near thereto, all the Soil of such Land, and also of the Land so cut for the said Navigation within the Depth of Nine Inches, shall be taken and removed, and be laid into Heaps distinct from such Clay, Gravel, Sand, Rubbish, and other Materials: And that the said Clay, Gravel, Sand, Rubbish, and other Materials (except as aforesaid), shall be in a proper and husbandlike Manner, most convenient for Cultivation, levelled within the Space of such Land adjoining or near to the said Navigation, from whence the Soil shall have been previously taken off and removed as aforesaid, and then the Whole of the aforesaid Soil shall be in like Manner carried and spread upon and over the Surface of the said levelled Materials, so and in such Manner as to render it Land as fit and proper as may be for the Purposes of Vegetation, Culture, and Husbandry; and that such levelling of Materials, and carrying and spreading of Soil thereon as aforesaid, shall be fully and effectually done and completed, in each and every Close or separate Piece of

Ground in or through which the said Navigation shall pass or go, within Three Calendar Months next after the same shall be cut and made through such Close or separate Piece of Ground; and that if the said Company of Proprietors, or any others employed by or under them, shall refuse or neglect, within the respective Times aforesaid, to remove the said several Soils, and level the said Materials, and then carry and spread the said Soils in Manner herein-before specified and directed, then, and in every such Case, it shall be lawful for the Owner or Owners, Occupier or Occupiers for the Time being, of the Close, Land, or Ground, wherein or whereon the Subject of such Refusal or Neglect shall be or arise, and he, she, and they respectively is and are hereby impowered to cause the Clay, Gravel, Sand, Rubbish, Materials, and Soils respectively, concerning which such Refusal or Neglect shall be made or arise, to be respectively removed, turned over, separated, levelled, and spread, so and in such Manner as to effect the bringing the Soil to the Surface, and thereby rendering it Land fit and proper for the Purposes aforesaid; and that then, and in every such Case, it shall also be lawful for all and every such Owner or Owners, Occupier or Occupiers, and he, she, and they is and are hereby impowered to recover all the Costs, Charges, and Expences of and attending the Work, which he, she, or they respectively shall so do, or cause to be done as aforesaid, of and from the said Company of Proprietors, in such and the like Manner, and by such and the like Means, or any of them, as are herein provided and prescribed for the recovery of Satisfaction for Land to be purchased, used, or damaged, in the Execution of this Act.

For removing Earth, &c. from certain Lands in the Lordship of *Edmondthorpe*.

XVI. Provided always, and be it enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, remove, take, and carry away, all Earth, Stone, Gravel, Sand, and other Materials, which in making the said Navigation shall be cut or dug out of certain Closes, Lands, or Grounds in Edmondthorpe aforesaid, belonging to William Pochin Esquire, and numbered respectively on the said Plan Eighty-one, Eighty-two, and Eighty-three, from the said several Closes (except what may be necessary for the Purposes of making the said Canal), into and upon such other Parts of the Lands and Grounds of the said William Pochin, in Edmondthorpe aforesaid, as the said William Pochin shall direct and appoint, and as will be most convenient and proper for that Purpose,

XVII. Provided always, and be it further enacted, That

To puddle the Sides of the Canal.

That the said Company of Proprietors shall, at their own Expence, well and effectually puddle, where necessary, the Sides of the said intended Navigation or Canal, through all the Closes, Lands, and Grounds through which the same shall be cut, so and in such Manner as to prevent, as much as possible, the Water oozing through such Sides, to the Detriment of the Parts of the said several Closes, Lands, or Grounds, lying below the said intended Navigation.

To make a Plantation of Trees on certain Grounds of the Earl of *Harborough*, in *Saxby* and *Wymondham*.

XVIII. Provided also, and be it further enacted, That when and so soon as so much of the said Canal as is intended to be made in and upon the Lands and Grounds of the said Robert Earl of Harborough, in Saxby and Wymondham aforesaid, shall be made and compleated, the said Company of Proprietors shall and will, at their own proper Costs, Charges, and Expences, make or cause to be made, in and upon and along the Side of the said intended Canal, from the North End of the Lock intended to be made in a certain Close called Cay's Galley Close, to the North-east Corner of a certain Field or Close called Cattesmere Dale, or Crabtree Close, being in Length Three Furlongs, more or less, a Plantation, not less than Ten Yards in Breadth, of such Timber or Forest Trees, as he or they shall think proper, for the Purpose of screening the View of the said Canal from the Mansion House and Premises of the said Earl at Stapleford aforesaid; which said Plantation shall be fenced with Quicksets, and guarded by Posts and Rails, by the said Company of Proprietors.

Company may cleanse the adjoining Watercourses at the Land Owner's Expence in certain Cases.

XIX. And be it further enacted, That in case at any Time the Ditches and Drains belonging to the Owner or Occupier of any Lands adjoining or lying contiguous to the said intended Canal, shall not be sufficiently open for the free Passage of the Water from the Drains, Weirs, Culverts and Passages belonging to the said intended Canal, and the same shall not be remedied within One Calendar Month after Notice for that Purpose given to such Owner or Occupier by the Clerk to the said Company of Proprietors, it shall be lawful for the said Company of Proprietors, having an Order in Writing for that Purpose from the said Commissioners, or any Five or more of them, as often as there shall be Occasion, to cause to be opened and cleansed the said Ditches and Drains as aforesaid, and the reasonable Expence thereof (to be ascertained and allowed by the said Commissioners, or any Five or more of them, in case of Difference) shall be repaid to the said Company of Proprietors by such Owner or Occupier, and

in case of Refusal to satisfy the same for the Space of Three Calendar Months after Demand made thereof, the same shall and may be recovered in such Manner as any Penalties are herein-after directed to be recovered.

For erecting Bridges on certain Estates.

XX. And be it further enacted, That the said Company of Proprietors shall at their own Expence, previous to their completing the said intended Navigation through the Estate of William Pochin Esquire, in Edmondthorpe aforesaid, make and erect Six Carriage Bridges at the least, with raised Abutments thereto, across and over such Navigation, and in such Part or Parts of such Estate as the said William Pochin, or the Owner thereof for the Time being, shall appoint, in case the said William Pochin or such Owner shall require the same; and also that the said Company of Proprietors shall at their own Expence, previous to their completing the said Navigation through the Estate of Edmund Cradock Hartopp Esquire, in Brentingby and Wyverby aforesaid, make and erect Three Carriage Bridges at the least, with raised Abutments thereto, across or over such Navigation, and in such Part or Parts of such Estate as the said Edmund Cradock Hartopp, or the Owner thereof for the Time being, shall appoint, in case the said Edmund Cradock Hartopp or such Owner shall require the same; and also that the said Company of Proprietors shall at their own Expence, previous to their completing the said Navigation through the Estate of Joseph Hurlock and Edward Hartopp Wigley, Esquires, in Freeby aforesaid, make and erect One Carriage Bridge at the least, with raised Abutments thereto, across or over such Navigation, and in such Part of the said Estate as the said Joseph Hurlock, and Edward Hartopp Wigley, or the Owner of the said Estate for the Time being, shall appoint, in case the said Joseph Hurlock, and Edward Hartopp Wigley, or such Owner as aforesaid, shall require the same; and also, that the said Company of Proprietors shall at their own Expence, previous to their completing the said Navigation through the Glebe Lands belonging to the Rectory of Wyverby aforesaid, make and erect a Carriage Bridge, with raised Abutments thereto, across or over such Navigation, and in such Part or Parts of the said Glebe Lands as the Rector of Wyverby aforesaid, for the Time being, shall appoint, in case he shall require the same; and that such Roads shall be made to all the said Bridges, and also to all other Carriage Bridges as shall be made over the said intended Navigation, so as to prevent the Ascent to or Descent from such Bridges being greater than Three Inches perpendicular to every Yard horizontal.

Land Owners impowered to build Bridges at their own Expence.

XXI. And be it further enacted, That if the Owners or Occupiers of any Lands or Hereditaments, through which the said intended Canal or other Works are intended to be made, shall be desirous of making any other Gates, Stiles, Bridges, Arches, Culverts, Drains, or other Passages, over, under, or by the Side of the said intended Canal, or the Towing Paths, Aqueducts, or Feeders belonging thereto, or any such Watering Places or other Conveniences, than such as shall by the said Company of Proprietors, or the said Commissioners, or any five or more of them, be deemed necessary and sufficient, then, and in every such Case, it shall be lawful for any such Owners or Occupiers to make, fix, and erect, at their own Costs and Charges, such Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, or other Conveniences, of the same or the like Construction made and erected by the said Company of Proprietors, in such Places as they shall think proper, and to repair and support the same, at their own like Costs and Charges, as Occasion shall require, so as the Navigation of the said intended Canal be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the doing of such Works will necessarily require.

Restrictions from building Mills, &c. on Towing Paths or other Places.

XXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Company of Proprietors to erect or build any House or Building, (other than such Warehouses, Toll Houses, and Watch Houses to be built as herein authorized for the Use of the said Navigation), or any Mill or Mills upon the said intended Navigation hereby authorized to be made, upon the Lands which shall be set out for the Towing Paths, Wharfs, or Quays on the Sides thereof; or to make, erect, or build any Warehouses, Watch Houses, Buildings, Quays, Wharfs, Cranes, or Weigh Beams within the Distance of Three hundred Yards of any Mansion House, without the Consent in Writing of the Proprietor or Proprietors thereof, under his, her, or their Hand or Hands respectively; or to cut down any Timber Wood, Brush Wood, or Underwood upon any of the Estates or Lands through or into which the said intended Canal, Trenches, Sluices, Roads, Passages, Works, or Conveniencies, or any Part thereof respectively, shall be made or carried, (except such Timber Wood, Brush Wood, or Underwood as shall grow or be in or upon any of the Lands or Grounds which shall be taken or used for the making of the said Canal,

Towing

Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniences respectively as aforesaid), and the Proprietors of the respective Lands and Grounds on which such said Timber Wood, Brush Wood, or Underwood shall stand or be growing at the Time of the Commencement of this Act, their Heirs or Assigns, shall have it at their Election to take the same respectively when fallen or cut down by the said Company of Proprietors, at such Price or Value as the same respectively shall have been estimated or purchased at by the said Company of Proprietors, which said Timber Wood, Brush Wood, or Underwood, so to be fallen by the said Company of Proprietors, or by their Order, shall and may be carried and conveyed upon any Part of the said intended Canal, free from all Tolls and Duties to be raised and levied by virtue of this Act; but in case the same shall not have been estimated or purchased by them upon a Valuation separate and distinct from the Lands or Grounds upon which the same shall respectively grow, then at such Price or Value as shall be agreed on for that Purpose between such Proprietors or Owners of Lands, and the said Company of Proprietors or their Agents, or in case of any Difference in settling or ascertaining the same, then at such Price or Value as the Commissioners herein-after mentioned, or any Five or more of them, shall direct or appoint; and if any House, Mill, or other Building (except as aforesaid) shall be erected upon any such Lands or Grounds without such Consent as aforesaid, it shall be lawful for the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of setting out the same as aforesaid, his, her, or their Heirs or Assigns, to take down and remove such Houses, Mills, or other Buildings, without being guilty of Trespass, or being liable to any Action or Prosecution for so doing.

Surveys and Levels have been taken.

XXIII. And whereas certain Levels and Surveys have been already taken to ascertain the Practicability of making the said intended Navigation, and a Map or Plan, and a proper Book of Reference thereto have been made in consequence thereof, in order to shew the Line or Course of the said Canal, through, across, under, or over the several Estates, Lands, or Grounds now or late belonging or reputed to belong to the several and respective Persons particularly named or described in the said Book of Reference, it is hereby enacted and declared, That there shall be Three Parts made of the said Map or Plan, and Book of Reference, which shall be certified by the Right Honourable the Speaker of the House of

Commons, and severally deposited with and kept by the respective Clerks of the Peace for the Counties of Leicester and Rutland, and the Clerk of the said Company of Proprietors for the Time being, to which all Persons shall have Liberty to resort, and make Extracts or Copies thereof as Occasion shall require, paying to the said respective Clerks after the Rate of Four-pence for every One hundred Words, and the said Maps or Plans, and Books of Reference, so certified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Three Days Notice to him given for that Purpose, shall from Time to Time produce the said Map or Plan, and Book of Reference, before the said Commissioners, or any Jury or Juries to be impannelled by virtue of this Act, at the Time or Place, within the said Counties of Leicester or Rutland, to be mentioned in such Notice, in order that the same may then and there be given in Evidence, he having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance.

Navigation to be made pursuant to the said Plan or Book of Reference.

XXIV. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal, shall not deviate more than One hundred Yards from the Course or Direction specified in the said Map or Plan, and set forth in the said Book of Reference, (save in such Instances only as are particularly provided for in this Act), without the Approbation and Consent, in Writing, signed by the Person or Persons to whom such Estates, Lands, or Grounds do or shall for the Time being respectively belong.

To prevent any Deviation through the Grounds of the Earl of *Harborough*, in *Saxby* and *Wymondham*.

XXV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to authorize or impower the said Company of Proprietors, or their Successors, or the said Commissioners, in making the said intended Canal, to deviate from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, in such Part of the Line of the said Canal as shall pass through the Estates, Lands, or Grounds of or belonging to the Right Honourable Robert Earl of Harborough in the Lordships of Saxby and Wymondham, in the said County of Leicester, or either of them, without the Approbation or Consent in Writing of the said Earl, his Heirs or Assigns, under his or their Hand and Seal, or Hands and Seals, for that Purpose first had and obtained.

XXVI. Provided also, and be it further enacted, That the said Company of Proprietors, in making the said Canal in Edmondthorpe aforesaid, shall not cut or make the same nearer to the Mansion House of William Pochin Esquire, called Edmondthorpe Hall, than delineated in the said Map or Plan, without the Consent, in Writing, of the said William Pochin, or the Owner of his said Mansion House for the Time being, but further from such Mansion House if practicable, consistent with the other Part of the Line for the said Navigation delineated on the said Plan, if the said William Pochin, or the Owner of such Mansion House for the Time being, shall so require; and that it shall not in any Case be lawful for the said Company of Proprietors, their Agents, Servants, or Workmen, or any other Person or Persons, under Colour or Authority of this Act, to make or use any Towing Path, for or on Account of the said intended Navigation, upon any Part of the Estate of the said William Pochin in Edmondthorpe aforesaid, on the Side of such Navigation next to his said Mansion House there, nor without the Consent in Writing of the said William Pochin, or the Owner of such Mansion House for the Time being, to make, erect, use, or continue, any Wharf, Quay, Weighing Beam, Landing Place, Warehouse, or any Building or Engine whatsoever, within Edmondthorpe aforesaid. To make the Canal as far as conveniently may be from *Edmondthorpe Hall*.

XXVII. Provided also, and be it further enacted, That in making the said intended Canal through the Lands and Grounds of Edmund Cradock Hartopp Esquire, in Wyverby aforesaid, and through the Lands and Grounds of the said Edmund Cradock Hartopp, Joseph Hurlock, and Edward Hartopp Wigley, Esquires, in Freeby aforesaid, the same shall be made in the Course of, and according to the Line in the said Map or Plan marked with Black, and at the Foot of the said Map or Plan, referred to as a Deviation proposed by a Land Owner. Direction of the Course of the Canal through certain Lands.

XXVIII. Provided always, and it is hereby further enacted and declared, That the said Company of Proprietors shall and may make the said intended Canal, and Towing Paths, into, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whose Name or Names shall appear, to the Satisfaction of the said Commissioners, or any Five or more of them, and to be by them certified under their Hands, to have been by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons to whom such last-mentioned Estates, Lands, or Grounds do not belong, hath or have been by Mistake Land Owners omitted in the Book of Reference, not to obstruct the making of the Navigation.

Mistake inserted therein; any Thing herein contained to the contrary thereof in anywise notwithstanding.

To prevent Deviations into the Lands of Persons not named in the Book of Reference.

XXIX. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal, shall not deviate from the Course or Direction delineated in the said Map or Plan into any Lands or Grounds, the Owner or Owners, or reputed Owner or Owners whereof, are not named in the said Book of Reference, without the Consent, in Writing, of the Owner or Owners for the Time being of the Lands or Grounds through which every such last-mentioned Deviation shall be made.

Lands may be entered for making Surveys.

XXX. And be it further enacted, That it shall and may be lawful for the Agents, Workmen, and Servants of the said Company of Proprietors, from Time to Time, and at all Times hereafter, to enter upon the Lands and Grounds of the several Persons, Bodies Politick, Corporate, or Collegiate, through which the said Canal and other Works is and are intended to be made, in order to survey and take Levels of the same, and to set out and ascertain such Parts thereof as they shall think necessary or proper for the making of such Canal, and other Works and Conveniences aforesaid, such Agents, Workmen, or Servants making Satisfaction for the Damage they shall do thereby to the Occupiers of such Lands or Grounds for the Time being.

Bodies Politick, &c. impowered to sell.

XXXI. And be it further enacted, That after any Land, Ground, or other Hereditament shall be set out and ascertained for making the said intended Canal, and other the Purposes and Conveniences hereby authorized or directed, it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust for Charities and other Purposes, Committees, Executors, and Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, and to and for such Femes Covert who are or shall be seised and possessed in their own Right, and to and for all and every other Person and Persons whomsoever who are or shall be seised, possessed of, or interested in any Lands, Grounds, or other Hereditaments which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey to the said Company of Proprietors, all or any Part of such Lands, Grounds, or other Hereditaments, which shall

from Time to Time be so set out and ascertained as aforesaid; and where by making the said intended Canal, or the Conveyance of Water thereto, the Property of any Land Owner or Owners shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for any Bodies Politick, Corporate, and Collegiate, and other Person or Persons aforesaid, by and with the Consent of the Commissioners hereby appointed, or any Five or more of them, such Consent to be testified by any Writing under their Hands and Seals, to contract for, sell, and dispose of, or to convey in Exchange in lieu of other Lands, all or any Part of such Lands or Grounds so separated into small Parcels as aforesaid, to any Person or Persons whomsoever, for such good and valuable Price or Consideration in Money, or other Equivalent, as to the said Commissioners, or any Five or more of them, shall seem reasonable; and that all such Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and other Persons so selling, conveying, or exchanging as aforesaid, are hereby indemnified for what they shall respectively do by virtue and in pursuance of this Act, and all such Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances, so to be made as aforesaid (other than those which concern any Purchase or Exchange between any such respective Land Owner) shall be made at the Expence of the said Company of Proprietors, and inrolled with the Clerk of the Peace for the County in which such Lands, Grounds, or Hereditaments shall respectively lie, and Copies thereof, signed by such Clerk of the Peace, purporting the same to be true Copies, shall be allowed to be good Evidence in all Courts whatsoever, for which Inrolment, or a Copy thereof, the Clerk of the Peace shall receive the Sum of Four-pence, and no more, for every One hundred Words, and so in Proportion for any less Number of Words.

Where Land is severed by effecting the Undertaking, the Company may purchase the Whole, or build Bridges.

XXXII. And be it further enacted, That in all Cases where, by effecting the said Undertaking, any Part or Parts of the Lands or Grounds of any Person or Persons whomsoever shall be severed and divided from the other Part or Parts of the Lands or Grounds of such Person or Persons, so as to deprive such Person or Persons, or the Occupier or Occupiers of such Lands or Grounds, of a convenient or proper Means of Access to the

the same, then, and in every such Case, the said Company of Proprietors shall, and they are hereby required either to purchase the Lands or Grounds so separated and deprived of a Road as aforesaid, (the Purchase Money, in such Cases, to be settled, adjusted, and levied by such Ways and Means as are herein-after appointed with regard to other Purchase Monies, and to be apportioned, paid, and disposed of in the Manner herein-after directed), or to build and construct, and afterwards to maintain and keep in good and sufficient Repair, such Bridge or Bridges, at the Costs and Charges of the said Company of Proprietors, for the Convenience of the Owner or Owners, and Occupier or Occupiers of such Lands or Grounds, as the said Commissioners appointed by virtue of this Act, or any Five or more of them, shall think fit, in case such Owner or Owners shall require either such Land to be purchased, or a Bridge to be erected for the Use thereof, and that if the said Company of Proprietors shall neglect or refuse (by the Space of Three Calendar Months next after Notice shall be given to them, or the Clerk or Clerks by them appointed) to purchase such Parts of the Lands or Grounds which shall be so deprived of a Road thereto as aforesaid, or to build and construct, and keep in good and sufficient Repair such Bridge or Bridges pursuant to a Determination of the said Commissioners, that then, and in every such Case, it shall and may be lawful for any Person or Persons whose Lands are so separated, and who shall have given Notice as aforesaid, to build himself, herself, or themselves such Bridge or Bridges, as shall be necessary for the Purpose of making a proper Communication between the different Parts of the Lands so separated, and to recover the Expence of building such Bridge or Bridges from the said Company of Proprietors, by the same Way and Remedy as is herein-after provided for recovering of other Damages done by effecting the Purposes of this Act.

For preserving Copyhold Rights.

XXXIII. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands or Tenements which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof such Lands are holden, according to the Custom of the said Manors respectively, and such Lands or Tenements shall remain and continue subject to such and the same Fines, Rents, and Services as are due and payable, or of Right accustomed, in such and the same Manner as if this Act had not been made.

XXXIV. And whereas Differences may arise between the said Company of Proprietors, and the several Owners of, and Persons interested in any Lands, Grounds, Tenements, Hereditaments, Mills, Fisheries, or Waters which shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, touching the Purchase Money to be paid, or Recompence to be made to them respectively; be it therefore enacted, That every Person seised or entitled in his own Right, or in the Right of his Wife, of or to a Freehold or Copyhold Estate in Lands, Tenements, or Hereditaments, situate within the Counties of Rutland and Leicester, or either of them, of the clear yearly Value of One hundred Pounds, and also every Person residing within the said Counties or either of them, and having a personal Estate of the Value of Three thousand Pounds, or a Real and Personal Estate together of the Value of Three thousand Pounds, shall be, and they are hereby appointed Commissioners for settling, determining, and adjusting all Matters, Questions, and Differences, which shall or may arise between the said Company of Proprietors and the several Owners of, and Persons interested in, any Lands, Grounds, Tenements, Mills, Waters, Hereditaments or Premises, which shall or may be taken, used, affected, or prejudiced by the Execution of any of the Powers hereby granted: And if any Person shall presume to act as a Commissioner in the Execution of this Act, not having the Qualification herein-before mentioned, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds, to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt, or on the Case, in any of his Majesty's Courts of Record at Westminster, and such Person sued shall prove that he is qualified as above, or otherwise shall pay the said Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Plaintiffs, than that such Person had acted as a Commissioner in the Execution of this Act. Commissioners for settling Differences.

XXXV. Provided always, That no Person shall act as a Commissioner in the Execution of the Power hereby given, in any Case where he shall be any way interested or concerned in the Matter in Question, nor (except in administering the Oath herein-after mentioned), until he shall have taken and subscribed an Oath to the Effect following, before any Two or more of the said Commissioners, who are hereby authorized and required to administer the same, (videlicet);

The Oath.

I *A. B.* do ſwear, [*or, being One of the People called Quakers,* do ſolemnly affirm], That I am truly and *bonâ fide* ſeiſed, or entitled in my own Right, or in Right of my Wife, of or to a Freehold or Copyhold Eſtate, in Lands, Tenements, or Hereditaments, ſituate within the Counties of *Rutland* and *Leiceſter*, or One of them, of the clear yearly Value of One hundred Pounds, [*or* have a Perſonal Eſtate of the Value of Three thouſand Pounds, or a Real and Perſonal Eſtate together of the Value of Three thouſand Pounds,] and that I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the beſt of my Skill and Judgement, execute and perform the Powers and Authorities veſted in me as a Commiſſioner, by virtue of an Act made in the Thirty-third Year of the Reign of His Majeſty King *George* the Third, intituled, [*Here ſet forth the Title of the Act*].

So help me GOD.

Commiſſioners who are Juſtices may act in both Characters.

XXXVI. And be it further enacted, That ſuch Commiſſioners who are Juſtices of the Peace, ſhall and may, and they are hereby reſpectively impowered to act as Juſtices of the Peace in the Execution of this Act, within the Limits of their reſpective Juriſdictions.

Commiſſioners holding Places of Profit, &c. ſhall be incapable of acting.

XXXVII. And be it further enacted, That if any Perſon appointed a Commiſſioner by or by virtue of this Act, ſhall have or accept any Place of Profit ariſing out of the Rates and Duties to be raiſed and collected by the Authority of the ſame, ſuch Perſon, from and after accepting thereof, and during the Time of his holding and enjoying ſuch Place of Profit, and every Perſon during the Time of his being a Proprietor in the ſaid Navigation, or concerned in Intereſt in any Contract or Bargain made, or to be made, for the Purpoſes of this Act, ſhall be incapable of acting as a Commiſſioner under this Act.

Appointing Firſt Meeting of the Commiſſioners.

XXXVIII. And be it further enacted, That the Firſt Meeting of the ſaid Commiſſioners, or any Five or more of them, ſhall be held at ſome convenient Houſe in Oakham aforeſaid, on the Firſt Monday in the Month of September after the Commencement of this Act, between the Hours of Ten and Twelve of the Clock of the Forenoon; and they ſhall afterwards hold One General Meeting on the Firſt Monday in September annually, at Eleven of the Clock of the Forenoon, at Oakham aforeſaid, or ſuch other Place or Places as the Commiſſioners for the Time being, or any Three or more of them, ſhall appoint.

XXXIX. And

XXXIX. And be it further enacted, That upon any Application to be made by the said Company of Proprietors, or any Three or more of them, or by any of the Owners or Occupiers of any Grounds, Lands, Mills, Tenements, or Hereditaments to be affected by the said Navigation, or any of the Works necessary or relating thereto, or by any other Body Politick or Corporate, or Person or Persons interested in any other Matter to be determined by the said Commissioners, to the Commissioners appointed by and for the Purposes of this Act, or any Three or more of them, (although not assembled together at a Meeting for the Purposes of this Act), desiring them to appoint a General Meeting of the Commissioners, the Commissioners applied to, or any Three or more of them, may and shall, and they are hereby respectively authorized and required, within Seven Days after such Request or Application made, to give Notice, in Manner hereby directed, of a General Meeting to be holden at such Time and Place as shall be specified in such Notice, (such Time not being less than Fourteen Days nor more than Thirty Days from the Day on which such Request shall be made to them as aforesaid), and the said Commissioners, or any Five or more of them, are hereby authorized, impowered, and required, notwithstanding any previous intervening Adjournment of their Meetings, to meet at the Time and Place so to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and vested in them in Execution, and may then adjourn themselves, and afterwards meet at such Time and Place as the Majority of the said Commissioners assembled at such Meeting shall think proper and convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or holden by the said Commissioners a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then, and from Time to Time, as often as the Case shall so happen, such Meeting shall be deemed adjourned to that Day Three Weeks, to be holden at the same Place as the last Meeting was appointed to have been held; and all Meetings of the said Commissioners by virtue of this Act shall be publick. For appointing Special Meetings of Commissioners.

XL. Provided also, and be it further enacted, That no Annual or other Meeting of the said Commissioners shall be good or effectual for any of the Purposes of this Act, unless previous Notice of the Time and Place thereof, and the Business proposed to be done thereat, signed by the Clerk to the said Commissioners, shall be twice published in the Leicester and Stamford Newspapers, and Notice to be given of Meetings.

and the First Publication of which Notice shall be made at least Fourteen Days before every such intended Meeting of the said Commissioners, unless the Business to be transacted at any such Meeting, of which such Notice has been given as aforesaid, shall not be concluded on the Day mentioned in such Notice, in which Case the said Commissioners, or any Five or more of them, may from Time to Time adjourn to the succeeding Day, or if such Day be Sunday then to the Day following, and in like Manner from Day to Day, and may meet again at the same or any other convenient Place, and proceed in such Business, until the same is finished, without any Notice to be given of the Meeting holden by such last mentioned Adjournment.

Powers of Commissioners to determine Differences.

XLI. And be it further enacted, That the said Commissioners, or any Five or more of them, acting in any Question, Matter, or Difference which shall or may arise, are hereby authorized and impowered, by Writing under their Hands and Seals, with the Consent of the Parties concerned, to determine and adjust, from Time to Time, what Sum or Sums of Money shall be paid by the said Company of Proprietors, either by an Annual Rent or Payment, or by a Sum of Money in Gross, to and at the Election of such Bodies Politick, Corporate, or Collegiate, or Person or Persons respectively, who shall be so entitled or interested as aforesaid, for the absolute Purchase of the Lands or Grounds which shall be set out and ascertained for making the said Canal and Towing Paths, or any Part thereof, or other the Purposes herein mentioned; and also to determine and adjust the Recompence to be made for any Damages which may or shall be at any Time or Times sustained by any such Bodies Politick, Corporate, or Collegiate, or Person or Persons respectively, being Owners of and interested in any Lands, Grounds, Tenements, Mills, Waters, or Hereditaments, for or by reason of the severing or dividing the same, or the making, maintaining, or repairing the said Navigation, Reservoirs, Aqueducts, Feeders, Trenches, Passages, Gutters, Watercourses, Tunnels, Drains, Back Drains, Roads, Ways or Sluices, or supplying the same or any of them with Water as aforesaid, or by altering, diverting, taking away, or using any Springs, Streams of Water, or Watercourses flowing to or supplying with Water any Mill or Mills, or by the flowing, leaking, or oozing of the Water over or through the Banks of the said intended Canal, Reservoirs, Trenches, or Sluices, or over or through any Passages, Gutters, or Watercourses which shall be made pursuant

to

to the Powers hereby given for conveying or communicating Water to or from the said intended Canal, or by not cleansing the said Watercourses, Trenches, Passages, Tunnels, Drains, or Back Drains, or by turning or diverting any Streams or Brooks into the same (except as herein-after excepted), or by reason or means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, or by their Agents, Workmen, or Servants, in case such Price or Value, Damages or Recompence, cannot be settled, adjusted, and agreed for by and between the said Company of Proprietors, or their Agent, and such Proprietors of and Persons interested in the said Lands or Grounds, Tenements, Mills, Waters, or Hereditaments as aforesaid; and if the said Company of Proprietors, or their Committee for the Time being, or any such Body Politick, Corporate, or Collegiate, or other Person or Persons so interested or entitled as aforesaid, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid, or if any such Bodies Politick, Corporate, or Collegiate, or other Person or Persons interested or entitled as aforesaid, shall refuse to receive, on due Tender thereof made, such Purchase Money, or Annual Rent, or such Recompence as shall be so determined to be paid, or shall upon Notice in Writing given to the principal Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or to such Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or of the Tenant or Tenants, Occupier or Occupiers, of such Lands, Grounds, Tenements, Mills, Waters, or Hereditaments, for the Space of Twenty-one Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence shall be prevented from treating, or through Disability by Non-age, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be convenient for promoting the said Navigation, or other Works aforesaid, then, and in every such Case, the said Commissioners, or any Five or more of them, shall, and they are hereby authorized and impowered from Time to Time to issue a Warrant or Warrants, under their Hands and Seals, to the Sheriff of the said Counties of Leicester or Rutland, as the Case may require respectively, or in case such Sheriff or his Under Sheriff shall happen to be One of the Company of Proprietors of the said Navigation, or enjoy any Of-

fice of Trust or Profit under them, or shall be otherwise interested in the Matter in Question, then to One of the Coroners of the said Counties of Leicester or Rutland, as the Case may require, not interested as aforesaid, commanding such Sheriff or Coroner to impannel, summon, and return a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts at Westminster, to appear before the said Commissioners, or any Five or more of them, at such Time and Place as in such Warrant shall be appointed, not less than Nine or more than Twenty-one Days after such Warrant or Warrants shall be served upon the said Sheriff or Coroner; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured to attend and serve, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve, and every such Jury and Jurymen shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at Westminster; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners, or any Five or more of them, are hereby impowered to summon and call before them all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in Question; and the said Commissioners, or any Five or more of them, may and shall authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matter in Controversy, which Jury, upon their Oath, to be administered by the said Commissioners, or any Five or more of them, (and which Oath, as well as the Oaths of such Person or Persons as are called upon to give Evidence, the said Commissioners, or any Five or more of them, are hereby impowered to administer), shall enquire of, assess, and ascertain the Sum or Sums of Money, or Annual Rent, to be paid for the Purchase of such Lands, Grounds, Tenements, Mills, Waters, or Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and shall assess separate Damages for the same; and the said Commissioners, or any Five or more of them, shall give Judgement for such Purchase Monies, Rents, or Recompence, so to be as-

Jury may be challenged.

lessed by such Juries; and that the said Commissioners and Juries respectively shall in all Determinations, Judgements, and Verdicts which they shall respectively make and give in Execution of the Powers vested in them by virtue of this Act, concerning the Value of Lands, and Damages sustained or to be sustained, separate and distinguish the Value set upon the Lands, and the Money assessed and adjusted for Damages, from each other; all which said Determinations, Judgements, and Verdicts shall be binding upon all Parties, and final to all Intents and Purposes, and shall not be removed by Certiorari, or other Process whatsoever, into any of his Majesty's Courts of Record at Westminster, or any other Court, any Law or Statute to the contrary thereof notwithstanding.

Value of Lands and Damages to be distinguished in the Verdicts.

XLII. And be it further enacted, That if any such Sheriff or Coroner shall make Default in the Premises, every such Person, for every such Offence, shall forfeit the Sum of Twenty Pounds, and if any Person so summoned and returned as aforesaid upon such Jury, shall not appear, or appearing shall refuse to be sworn or give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined, and to give Evidence, every such Person so offending respectively, having no reasonable Excuse, to be allowed by the said Commissioners, or any Five or more of them, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said Commissioners, or any Five or more of them, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering the Overplus (if any) to the Owner thereof, after such Penalty, and the reasonable Charges of such Distress and Sale, shall be deducted; and every such Penalty which shall be paid by, or recovered from any Person who shall have been summoned to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Commissioners, or any Five or more of them, to be injured by the Default of such Person.

Penalty on Sheriffs, &c. for neglect of Duty.

XLIII. And be it further enacted, That whensoever a Jury is or shall be called by the said Commissioners as aforesaid, or any Witness or Witnesses is or shall be examined by and before the said Commissioners alone, or by and before the said Commissioners and Jury jointly, as herein-before directed, the said Commissioners shall, and

Expences of Commissioners, Witnesses, and Jury, by whom to be paid.

and they are hereby required, according to their Discretion, to give and award to each of the said Jurors and Witnesses in every such Case, such Sum or Sums of Money as shall be a reasonable and moderate Recompence for the Expences and Trouble of their Journey and Attendance; and in each and every Case where a Verdict shall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Mills, Waters, Hereditaments, or Premises, of any Person or Persons whomsoever, or as a Compensation for any Damages done to such Lands or other Premises, than had been previously offered by or on Behalf of the said Company of Proprietors before the Meeting of the said Commissioners, or than had been by them determined and assessed as aforesaid, or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by and on Behalf of the said Company of Proprietors, or where by reason of Absence in foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at Hand who may be legally capacitated to enter into Contract with, and make Conveyances to, or receive Compensation from the said Company of Proprietors as herein-before mentioned, then, and in all such Cases, all the Expences of calling such Commissioners, summoning such Jury, and taking such Verdict, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum or Rent that had been previously offered by or on Behalf of the said Company of Proprietors, or had been so determined or assessed by the said Commissioners, or for a less Sum than had been so previously offered, determined, or assessed, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, or in case of Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from the said Company of Proprietors, by any Body Politick, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act, or otherwise, legally capacitated to treat and convey, or receive such Compensation as aforesaid, then, and in all such Cases, (except where by reason of Absence, or otherwise, any Person shall have been prevented from treating and agreeing as aforesaid), the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Verdict, shall be settled in like Manner by the said Com-

missioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes, which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or if the Dispute or Controversy shall be for Damages only, and no such Damages shall be given or assessed by the said Jury or Commissioners, then, and in such Case, the said Company of Proprietors shall and may recover, of and from the Person or Persons making Appeal to the said Commissioners or Jury, the Costs to be assessed as aforesaid by such Commissioners, in any of his Majesty's Courts at Westminster, with full Costs of Suit.

Meetings for determining Disputes shall be held in the County where the same shall arise.

XLIV. Provided always, That the Meetings of the Commissioners for hearing or determining any Complaint, Controversy, Dispute, or Difference between the said Company of Proprietors, and their Successors, and any other Person or Persons, shall be holden in Manner herein-after mentioned; that is to say, in all Cases when the Cause of any such Complaint, Controversy, Dispute, or Difference shall arise or happen in the said County of Leicester, such Meeting shall be held at Melton Mowbray aforesaid, and when the same shall arise or happen in the said County of Rutland, such Meeting shall be holden at Oakham aforesaid, and so as that all the Meetings of the said Commissioners to be holden in pursuance of this Act, shall be appointed and holden only between the Hours of Ten in the Morning, and Six in the Afternoon, and no Order shall be made, or any Proceedings of the said Commissioners be had or done under this Act, at an earlier or later Hour than aforesaid.

Commissioners not to take Notice of any Complaint, till Application has been made to the Company.

XLV. And be it further enacted, That the said Commissioners shall not, nor shall any of them be obliged by virtue of this Act, to receive or take Notice of any Complaint to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained, by virtue of this Act, unless Application hath been or shall be made in relation thereto by or on Behalf of such Person or Persons to the said Company of Proprietors, or to their known Agent or Agents, or some Collector of the Tolls,

Rates, or Duties arising from the said Navigation, within the Space of Twelve Calendar Months next after the Time that such supposed Injury shall have been sustained, or the doing or committing thereof shall have ceased.

Punishing Persons giving false Evidence.

XLVI. And be it further enacted, That all and every Person and Persons, who in any Examination to be taken by virtue of this Act, shall give false Evidence before the Commissioners, or any of them, or before any Justice or Justices of the Peace, every such Person and Persons so giving false Evidence as aforesaid, shall and may be prosecuted for the same, and upon Conviction thereof, shall and may be subject to such Punishments and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

Upon Payment or Tender of Money, the *Company* may use the Premises.

XLVII. And be it further enacted, That upon Payment of such Sum or Sums of Money, or Annual Rent, as shall be contracted or agreed for between the Parties, or determined and adjusted by the said Commissioners, or any Five or more of them, or assessed by such Juries, in Manner herein-before respectively mentioned, for the Purchase of any such Lands, Grounds, Tenements, or Hereditaments as aforesaid, to the Owner or Owners thereof, or other Person or Persons entitled to receive such Monies or Rent respectively, or legal Tender thereof made to such Owner or Owners, or other Person or Persons, or to the principal Officer or Officers for the Time being of any Body Politick, Corporate, or Collegiate, at any Time after the same shall have been so agreed for, determined, or assessed, or if he, she, or they cannot be found, or shall refuse to accept such Money or Rent, then, and in every such Case, upon Payment thereof to such Person or Persons as the said Commissioners, or any Five or more of them, by Writing under their Hands shall appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Owners or Persons respectively as aforesaid, such Lands, Grounds, Tenements, or Hereditaments, and the Fee Simple and Inheritance thereof respectively, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors, their Successors and Assigns, to and for the Use of the said Navigation for ever; and immediately thereupon, but not before, it shall be lawful for them, their Agents, Workmen, and Servants, to enter upon the same, and to dig, cut, trench, sough, and remove Earth, Stone, Rubbish, Trees, Roots of Trees, and all other Obstructions, for the mak-

ing, using, maintaining and repairing the said Navigation, and Towing Paths on the Sides thereof, in or upon such Lands, Grounds, or Hereditaments for which such Satisfaction shall be agreed for, determined, and assessed as aforesaid, and thereupon to make, erect, or do any Works, Matters, and Things for the effecting and carrying on, supporting and maintaining the said Navigation, as the said Company of Proprietors shall think requisite, and to have, use, and enjoy the Premises to and for their own Use and Benefit, for the Purposes of the said Navigation, discharged of all Right and Claim whatsoever thereon; and this Act shall be sufficient to indemnify as well the said Commissioners, as the said Company of Proprietors, and their Agents, Servants, and Workmen, for what they or any of them shall do by virtue of the Powers hereby granted.

Verdicts to be recorded.

XLVIII. And be it further enacted, That all the Determinations of the said Commissioners, or any Five or more of them, which shall be submitted to and acquiesced in by the Parties concerned, and also the said Verdicts and Judgements, (being first signed by Five or more of the Commissioners who shall be present at the making of such Determinations, or the taking of such Verdicts, and pronouncing such Judgements respectively), shall be transmitted to, and kept by the Clerks of the Peace for the Counties of Leicester and Rutland respectively, amongst the Records of the Quarter Sessions of the Peace for the said Counties respectively, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes, and the same, or true Copies thereof respectively, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, as also the Inrolments of such Contracts, Agreements, Sales, and Conveyances, as hereinbefore mentioned, paying for each Inspection the Sum of One Shilling, and to take Copies thereof, paying for each Copy, not exceeding One hundred Words, the Sum of Four-pence, and so in Proportion for any Number of Words; and immediately on such Payment of such Purchase Money or Rent as aforesaid, and Entry of such Verdicts, Judgements, Sentences, Orders, and other Proceedings of the said Court and Juries, all the Estate, Right, Title, Interest, Inheritance, Use, Trust, Property, Possession, Benefit, Claim, and Demand whatsoever, both in Law and Equity, of the Person or Persons for whose Use such Money or Rent shall be paid, in and to, or out of, the said Lands, Grounds, Tenements, and Hereditaments, shall vest in the said

Company

Company of Proprietors, and they shall be deemed in Law to be in the actual Seisin or Possession thereof respectively, to all Intents and Purposes whatsoever, as fully and effectually as if all and every such Person and Persons having any Estate in the Premises, had actually conveyed the same to them by any Statute Conveyance, or any other legal Mode of Conveyance or Assurance whatsoever, and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand whatsoever, of the Person or Persons to whose Use such Payment shall be made, but also shall extend to, and be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and his and their Issue, and all Estates Tail, and in Reversion or Remainder, and all and every other Person and Persons whomsoever, as fully and effectually as a Fine or Recovery, or either of them would do, if levied or suffered by all the proper Parties in due Form of Law.

Purchase Monies paid in Trust, to be laid out to the same Uses.

XLIX. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Cestuique Trusts, or to any other Person or Persons whose Lands are limited in strict Settlement, for the Purchase or Exchange of, or Damage done to any Lands, Grounds, Tenements, or Hereditaments, by virtue of this Act, shall in case the same exceed the Sum of Twenty Pounds, be laid out as soon as conveniently may be, by such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons as aforesaid, in the Purchase of Lands, Tenements, and Hereditaments in Fee Simple, which shall be conveyed to, or to the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or such other Person or Persons as aforesaid, and for such Estates, to, for, or subject to such Uses, Trusts, Limitations, Remainders, and Contingencies as the Lands, Grounds, Tenements, or Hereditaments for or in respect whereof such Purchase Money or other Monies shall be paid as aforesaid, were limited, settled, and assured at the Time such Purchase Money or Monies were so agreed for, ascertained, or assessed respectively as aforesaid, or for such and so many of such Uses as shall be

then existing or capable of taking Effect; such Conveyances and Settlements, other than those which concern any Purchase or Exchange between any of the respective Land Owners as aforesaid, to be made at the Expence of the said Company of Proprietors; and in the mean Time, and until such Purchase or Purchases shall be made, the said Monies, as also such other Sum or Sums to be paid for the Purchase of Lands or Hereditaments which shall not exceed Twenty Pounds, shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person or Persons, in some of the publick Funds, or on Government or Real Securities, in the Names of Two or more Persons to be nominated by the Party or Parties interested therein, and to be approved of by the said Commissioners, or any Five or more of them; and as well the Interest arising or to be produced from such Funds or Securities, as also the Annual Rent of all such Lands, Grounds, Tenements, or other Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid to such Person or Persons respectively, as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments, so to be purchased and settled, in case the same had been purchased and settled pursuant to the Tenor and Meaning of this Act.

Commissioners to settle the Proportion of the Money to be paid to the several Persons interested.

L. And be it further enacted, That the said Commissioners shall, and are hereby impowered to settle what Shares and Proportions of the Purchase Money, or Compensation for Damages, which shall be so agreed for, determined, and adjusted or assessed in Manner respectively as aforesaid, shall be allowed to any Tenant, or other Person or Persons, having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interest therein, and with due Regard to the Rights and Interests of the Lord or Lords, Lady or Ladies, of any Manor or Manors whereof the Lands or Hereditaments to be affected by the said Canal are respectively holden.

To compensate for Tithes.

LI. And be it further enacted, That in Cases where Tithes in Kind are payable for any Lands to be purchased as aforesaid for the said Undertaking, the Person or Persons entitled to the said Tithes, or who for the Time being would have been entitled to the same in case this Act had not been made, shall be compensated for the same out of the respective Purchase Monies for such Lands; the Value of which Tithes shall be estimated and ascertained by the Average Annual Value of the same Tithes

for the Four Years commencing at Michaelmas Day One thousand seven hundred and eighty-eight, and ending at Michaelmas Day One thousand seven hundred and ninety-two, and in case of Disagreement between the Parties concerning such Compensation, the same shall be ascertained, determined, and adjudged in such Manner as is herein provided for ascertaining and settling the Price or Value of such Lands; and in Cases where such Tithes shall appertain to any Ecclesiastical Benefice, the respective Monies arising by Means of such Compensations shall be laid out by the Rector, Vicar, or other Incumbent of every such Benefice, by and with the Consent of the Bishop of the Diocese where the same shall be situated, in the Purchase of Lands or Hereditaments to be conveyed for the Use of the same Benefice, and the Rents and Profits thereof to be had, received, and taken by the Rector, Vicar, or other Incumbent for the Time being for ever; and that until such Purchase or Purchases can be found, the said Monies to arise as aforesaid, by such Compensation or Compensations for Tithes, shall be invested in the publick Funds of this Kingdom, by such Rector, Vicar, or other Incumbent, in the Names of the Bishop of the Diocese, and One of the Churchwardens, and the Dividends and Annual Produce thereof respectively shall be from Time to Time paid to the respective Persons who would have been entitled to the Rents and Profits of the Land or Hereditaments, in case the same had been laid out in the Purchase thereof; but nothing herein contained shall extend, or be construed to extend, in any Manner whatsoever, to any Land for which a Modus shall be payable at the Time of passing this Act, or in any Degree to affect, alter, or destroy any such Modus, but in every such Case, the Owner of the Part of such Land to be taken or made Use of for the Purposes of this Act, shall be liable to pay, and shall pay such Modus, in such and the same Manner, and without Variation or Diminution, as he or she would have done had no Part of his or her Land been so taken or used, or this Act had not been made; and in the Ascertainment of the Value to be paid to such Owner for the Part of such Land to be so taken or used, the same shall be considered free from the Payment of Tithes, or any Diminution in Value on Account thereof.

For paying off Mortgages on Lands used for the Navigation.

LII. And be it further enacted, That in case any Land to be used for the Purposes of this Act, shall happen to be in Mortgage to any Person or Persons, it shall be lawful for the said Company of Proprietors, upon Application being made to them by such Mortgagee or

Mortgagees, his, her, or their Executors or Administrators, and the said Company of Proprietors are hereby authorized and impowered to pay such Sum or Sums of Money, after the same shall have been so agreed for and adjusted or assessed in Manner aforesaid, for such Lands in Mortgage, in Part of the Principal Money that shall be due on such Mortgage or Mortgages, unto such Mortgagee or Mortgagees, his, her, or their Executors or Administrators: Provided always, That upon Receipt of such Sum or Sums, such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, shall acknowledge the Receipt of such Sum or Sums of Money by an Indorsement or Indorsements to be made upon the Back of such Mortgage or Mortgages, and signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witness or Witnesses, in Satisfaction of so much of the Principal due upon such Mortgage or Mortgages.

In Default of Payment of Damages, the Rates to be liable.

LIII. And be it further enacted, That in Default or Refusal of Payment of such Sum or Sums, and at such Times and in such Manner as shall be assessed and awarded for Damages of any Kind by virtue of this Act, it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby authorized and required to appoint One or more Person or Persons, for whom the said Commissioners, or any Five or more of them, shall take a proper Security, to collect and receive the Tolls, Rates, and Duties by this Act imposed, or any of them, and thereout in the first Place to pay all such Damages so to be determined or assessed as aforesaid, with the Costs (if any) occasioned by such Default or Refusal of Payment, together with legal Interest for the same, to be computed from the Time such Damages shall be awarded, and also the Costs and Expences of collecting and receiving the said Tolls, Rates, or Duties, and the Money so to be raised by such Person or Persons shall be, and is hereby declared to be as so much Money received to and for the Use of such Person or Persons who shall be entitled to receive such Satisfaction for Damages as aforesaid, in Order and Course respectively as such Determination shall be in Priority of Time; and after such Damages, Interest, and Costs shall be paid and satisfied, the Power and Authority of such Receivers for the Purposes aforesaid shall cease and determine; or otherwise such Party or Parties so aggrieved shall and may have a Remedy for such Sum or Sums of Money so to be assessed and awarded, and which shall not be paid as aforesaid,

aforesaid, with Interest and Costs for the same, by Action at Law in any of His Majesty's Courts of Record at Westminster, against the said Company of Proprietors, to recover the same with full Costs of Suit.

If not paid out of the Tolls, may be recovered from the Company.

LIV. Provided always, That in case the Damages, Interest, and Costs by this Act provided to be satisfied out of the Tolls, Rates or Duties arising from the said Navigation, shall not be satisfied and paid within the Space of Three Calendar Months after the same shall be so determined or assessed as aforesaid, then, and in every such Case, the said Commissioners, or any Five or more of them, upon Complaint to be to them, or any Five or more of them, made by and on the Behalf of the Person or Persons sustaining such Damages as aforesaid, are hereby authorised and required to issue their Warrant or Warrants, under their Hands and Seals, to the Sheriffs of the said Counties of Leicester and Rutland respectively, as the Case may be, authorizing and impowering such Sheriff to levy and raise the Damages so determined and assessed, with such Interest and Costs as aforesaid, by Distress and Sale of the Goods and Chattels of the said Company of Proprietors, together with such reasonable Charges as the said Commissioners, or any Five or more of them, shall in such Warrant or Warrants direct and appoint.

The Recovering Annual Rents.

LV. And be it further enacted, That all and every yearly Rents, or Sum or Sums of Money as shall be agreed upon, or settled and ascertained as aforesaid, shall be charged and chargeable on the Tolls, Rates, and Duties arising by virtue of this Act, and shall be paid by the said Company of Proprietors as the same shall become due and payable; and in case of Nonpayment thereof within Twenty-one Days next after the same shall become due, and Demand thereof shall have been made, the said Commissioners, or any Five or more of them, are hereby authorized and required, by an Order under their Hands and Seals, to appoint One or more Person or Persons to collect and receive the said Tolls, Rates, or Duties hereby granted or made payable, and pay the same to such Person or Persons to whom such yearly Rents, or Sum or Sums of Money, shall be due, until the same, with the Costs and Charges of recovering and receiving the same, shall be fully satisfied and paid; or otherwise, the said yearly Rents, or Sum or Sums of Money, may be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at Westminster, or, at the Election of the Parties entitled thereto respectively, may be recovered by Distress and Sale of the Goods and Chattels of the said Company of

Proprietors, in such Manner as the Law directs in Cases of Distress for Nonpayment of Rent, but so nevertheless that the Goods and Chattels of no other Person or Persons besides the said Company of Proprietors be distrained or sold by virtue of the Powers hereby given.

Punishing Persons destroying the Works.

LVI. And be it further enacted, That if any Person or Persons shall wilfully and maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Lock, Lock House, Bank, or fill up any Drain, or stop any Watercourse or other Works to be erected or made by virtue of this Act, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the said intended Navigation, such Person or Persons shall be guilty of Felony, and shall be subject to the like Pains and Penalties as in Cases of Felony, and the Court before whom such Person or Persons shall be tried and convicted, shall, and hereby have Power and Authority to cause such Person to be punished in like Manner as other Felons are directed to be punished by the Laws of this Realm; or, in Mitigation of such Punishment, may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny; or otherwise, every Person so offending, and being thereof lawfully convicted on the Oath of One or more credible Witness or Witnesses, before One or more of His Majesty's Justices of the Peace for the Counties of Leicester or Rutland, shall forfeit any Sum not less than double the Value of the Damage proved upon Oath to be done, at the Discretion of such Justice, such Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, and the Overplus (if any) to be returned to such Offender; or such Offenders shall or may be committed to the Common Gaol for the said Counties, respectively, for any Time not exceeding Three Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Penalty on Persons obstructing the Works.

LVII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously do any Damage, Hurt, or Mischief, to obstruct, hinder, or prevent the carrying on, completing, supporting, and maintaining the said intended Navigation, or any Works hereby authorized to be made as aforesaid, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings, and in Default of such Payment shall be committed to the Common Gaol of the said Counties of Leicester or Rutland, there

to remain for any Time not exceeding the Space of Three Calendar Months, unless such Penalty shall be sooner paid.

Lands, &c. purchased by the Company, vested in them.

LVIII. And be it further enacted, That all the Lands, Grounds, Tenements, and Hereditaments which shall be purchased by the said Company of Proprietors, in pursuance and by virtue of this Act, shall be and are hereby vested in the said Company of Proprietors, their Successors and Assigns, and shall and may be used, applied, and disposed of as the said Company of Proprietors shall think fit, for the several and respective Purposes of this Act, and to and for no other Use or Purpose whatsoever.

Money and Effects vested in the Company.

LIX. And be it further enacted, That all and every Sum and Sums of Money which shall at any Time or Times be subscribed, advanced, and paid by any Person or Persons for or in respect of any Share or Shares in the said Navigation, and also all the Money which shall or may arise from the Tolls, Rates, or Duties by this Act granted, or upon any other Account whatsoever, and also all Locks, Lock Houses, Cuts, and all other Buildings and Works, and all Boats, Barges, and other Vessels, and all other Matters and Things to be made, erected, built, or provided by them, for the Purpose of making, supporting, and carrying on the said Navigation, and all Securities for Money and Effects of or belonging to the said Navigation, shall be, and the same are hereby vested in the said Company of Proprietors, and the same and every Part thereof are hereby declared to be their Property.

Company may raise Money amongst themselves.

LX. And, to the End that the said Company of Proprietors may be enabled to carry on so useful an Undertaking, be it further enacted, That it shall be lawful for the said Company of Proprietors, their Successors and Assigns, to raise and contribute amongst themselves, and in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making, completing, and maintaining the said Navigation, and other Works and Conveniences to the same belonging or requisite thereto; provided that the said Sum shall not exceed the Sum of Fifty-six thousand Pounds in the Whole (except as herein-after mentioned), and that the same be divided into such Number of Shares as herein-after directed, each Share not to exceed One hundred Pounds; and that no Person subscribing thereto, or becoming a Proprietor in such Navigation, do or shall become a Proprietor of less than One Share; and the Money so to be raised is hereby directed and appointed to be applied and laid out in the First

Place

Place to pay and discharge all Expences incurred in obtaining and passing this Act, and in making Surveys, Plans, and Estimates, and doing and providing all Matters and Things preparatory and previous thereto, or in Consequence thereof, and all the Residue and Remainder of such Money shall be laid out and applied for and towards making, completing, and maintaining the said Navigation, and other the Purposes of this Act.

The Subscription Money to be divided into 560 Shares.

LXI. And be it further enacted, That the said Sum of Fifty-six thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, and by such other Person or Persons, Bodies Politick and Corporate, who shall or may at any Time or Times become a Subscriber or Subscribers to the said Navigation, shall be divided into Five hundred and sixty Parts or Shares, of One hundred Pounds each, and numbered in numerical Progression, and that the said Five hundred and sixty Shares shall be and are hereby vested in the several Persons so subscribing to the same, and their respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, in Proportion and according to the Sum they and each of them shall severally subscribe and pay thereto; and all and every the said Shares shall be deemed Personal Estate and transferable as such, and not of the Nature of Real Property; and all Bodies Politick, Corporate, and Collegiate, Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Navigation, shall be entitled to and receive, after the said Navigation shall be completed, the entire and neat Distribution of One Five hundred and sixtieth Part of the Profits and Advantages that shall and may arise and accrue from the Money to be raised, recovered, or received by the Authority of this Act, and so in Proportion for any greater Number of Shares, and every Body Politick or Corporate, Person or Persons, having such Property of One Five hundred and sixtieth Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate or proportionable Sum of Money towards carrying on the said Undertaking, in Manner hereinafter directed and appointed.

Shares deemed Personal Estates.

A Subscriber of a Share to be a Proprietor.

LXII. And, to the End that all Matters and Things touching, concerning, or relating to the carrying on and completing the said Navigation, may be managed and conducted

conducted in the most beneficial Manner, be it further enacted, That all and every Body and Bodies Politick and Corporate, or other Person or Persons, who shall by virtue of this Act subscribe or undertake for One Share in the said Navigation, shall be deemed a Proprietor for so much, and shall have a Vote in every publick Meeting or Assembly to be holden as herein-after appointed for carrying on the said Undertaking, which Vote may be given by him, her, or them, or by his, her, or their Proxy or Proxies, (such Proxy or Proxies being a Proprietor or Proprietors of the said Navigation), duly authorized under his, her, or their Hand and Seal, or Hands and Seals, and such Vote or Votes by Proxy shall be good and sufficient, to all Intents and Purposes, as if such Principal or Principals had voted in Person, and any Body or Bodies Corporate or Politick, Person or Persons, who shall have One or more such Share or Shares, shall have Liberty by him, her, or themselves, or by his, her, or their Proxy or Proxies, regularly authorized as aforesaid, to give One Vote for each Share: Provided that no Proprietor, although possessed of more than Ten Shares, shall have more than Ten Votes in any such Assembly, and that no Proprietor shall vote by Proxy for more than Ten Shares, nor shall any Proprietor be permitted to vote as Proxy for more than Five absent Proprietors; and whatever Question, Election of Officers, or other Matters or Things shall be proposed, discussed, or considered in any publick Assembly to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share, save as aforesaid.

Names of Proprietors to be entered, and Tickets of their Shares delivered to them.

LXIII. And, for the better Security of the several Proprietors of the said Undertaking to their respective Shares therein, be it further enacted, That the said Company of Proprietors shall and are hereby required, at their Second General Assembly, to cause the Names and proper Additions of the several Persons who shall be entitled to Shares in the said Undertaking, with the Number of Shares to which they are respectively entitled, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the said Company of Proprietors, and after such Entry to cause their Common Seal to be affixed thereto, and shall also cause as many Tickets or Instruments to be prepared as there are Shares in the said Undertaking, bearing respectively the correspondent Numbers in the said Book, with the Common Seal of the said Company affixed to each Ticket, and to cause to

be delivered to every such Subscriber, upon Demand, a Ticket or Tickets, specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and Sixpence, and no more, for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Shares therein specified, but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof, or from receiving annually his Share of the Profits of the said Navigation in respect thereof.

For subscribing an additional Sum of Money;

LXIV. And be it further enacted, That in case the said Sum of Fifty-six thousand Pounds herein-before authorized to be raised, shall be found insufficient for the Purposes aforesaid, then, and in such Case, it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves in Manner and Form aforesaid, or by the Admission of any Subscribers, any further or other Sum or Sums of Money for completing and perfecting the said Navigation, not exceeding the Sum of Twenty thousand Pounds, and every Subscriber towards raising such further or other Sum or Sums of Money for completing and perfecting the said Navigation, shall become a Proprietor in the said Navigation and Undertaking, and shall have a like Vote by himself, or his Proxy, in respect of every such Share in the said additional Sum of Money to be raised, and shall also stand interested in the said Profits and Powers of the said Navigation, in Proportion to the Sum or Sums of Money he, she, or they shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum or Sums of Money hereby allowed to be subscribed for and raised had been Part of the original Subscription, any Thing herein contained to the contrary thereof in any wise notwithstanding; or otherwise, it shall be lawful for the said Company of Proprietors, or the Committee for the Time being, to be by them appointed by virtue of this Act, or any Five or more of them, by Order of the General Meeting at any of their Meetings assembled, to borrow and take up at Interest all or any Part of the said Sum of Twenty thousand Pounds on the Credit of the said Navigation and Undertaking, as to them shall seem meet and convenient, and they are hereby fully authorized and impowered to assign over the said Navigation, Undertaking, and Premises, and the Tolls, Rates, and Duties,

or raising it by Mortgage of the Tolls.

arising by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Tolls, Rates, and Duties), as a Security for such Sum or Sums of Money to be borrowed, with Interest, to such Person or Persons, or their Trustees, who shall advance the same, under the Common Seal of the said Company of Proprietors, by the following Words of Assignment, or Words to the same Effect; (videlicet);

Form of Assignment.

BY virtue of an Act, made in the Thirty-third Year of the Reign of His Majesty King *George* the Third, intituled [*Here set forth the Title of the Act*], we, the Company of Proprietors of the said Navigation, incorporated by and under the said Act, in Consideration of the Sum of of lawful Money of *Great Britain*, to us in Hand paid by do assign unto the said his Executors, Administrators, and Assigns, all and singular the Tolls, Rates, and Duties arising by virtue of the said Act, and also the said Navigation, Undertaking, and Premises, and all the Estate, Right, Title, and Interest of the said Company of Proprietors of, in, and to the same, to hold unto the said his Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of *per Centum per Annum*, shall be paid. Given under our Seal, the Day of

And all and every Person and Persons to whom such Assignment or Assignments shall be made, shall be equally entitled to his, her, or their Proportion or Proportions of the said Tolls, Rates, Duties, and Premises, according to the respective Sums in such Assignment or Assignments mentioned to be advanced by him, her, or them, without any Preference by reason of Priority of Assignment, or on any other Account whatsoever; and the Money so to be borrowed shall be applied in such Manner as other Money to be raised by virtue of this Act is directed to be applied, and to no other Use or Purpose; and Entries or Memorials of every such Assignment, containing the Dates, Names of the Parties, and Sum or Sums of Money borrowed, shall, within Twenty-one Days after the Date thereof, be made in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Company of Proprietors, which said Book or Books shall or may be perused at all seasonable Times by any

Mortgages to be entered in a Book,

Perſon anyways intereſted or concerned therein, without Fee or Reward; and all and every Perſon and Perſons to whom any ſuch Aſſignment or Aſſignments ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, may from Time to Time aſſign or transfer his, her, or their Right, Title, Intereſt, or Benefit, to the Principal and Intereſt thereby ſecured, to any Perſon or Perſons whomſoever, by the following Words, or Words to the like Effect: and may be transferred.

I *A. B.* of in Conſideration of the Sum of paid by *C. D.* of do hereby transfer a certain Aſſignment or Security made by the Company of Proprietors of the *Oakham* Canal, bearing Date the Day of for ſecuring the Principal Sum of and the Intereſt now due and hereafter to become due thereon, and all my Right and Property therein, to the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns. In Witneſs whereof I have hereto ſet my Hand and Seal, this Day of in the Year of our Lord Form of Transfer.

Which ſaid Transfer or Aſſignment ſhall be ſigned by the Perſon or Perſons making the ſame, in the Preſence of One credible Witneſs, and ſhall, within Twenty-one Days after the Date thereof, be produced or notified to the ſaid Clerk or Clerks, who ſhall cauſe an Entry or Memorial to be made of ſuch Aſſignment or Transfer, containing the Dates, Names of the Parties, and Sum or Sums of Money thereby transferred, in the ſaid Book or Books to be kept for entering the ſaid original Aſſignments, for which the ſaid Clerk or Clerks ſhall be paid ſuch Sum as the ſaid Company of Proprietors ſhall appoint, not exceeding the Sum of One Shilling; and after ſuch Entry made, but not till then, every ſuch Aſſignment or Aſſignments ſhall entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the Benefit thereof and Payment thereon, and ſuch Aſſignee or Aſſignees may in like Manner aſſign again, and ſo toties quoties; and it ſhall not be in the Power of any ſuch Perſon or Perſons who ſhall have made any ſuch Aſſignment or Aſſignments, to make void, releaſe, or diſcharge the ſame, or any Sum or Sums of Money thereon due, or thereby ſecured, or any Part thereof. Transfers to be entered by the Clerk.

LXV. Provided always, That no Perſon to whom ſuch Aſſignment or Security ſhall be made or transferred as aforeſaid No Aſſignee ſhall be deemed a Proprietor.

aforesaid, shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such, either as Principal or Proxy, at any Meeting of the said Company of Proprietors, for or on Account of his or her having lent or advanced any Sum or Sums of Money on the Credit of any such Assignment.

For paying the Interest of Mortgages.

LXVI. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, yearly and every Year, to pay and discharge the Interest of all and every Sum and Sums of Money which shall be borrowed upon the Credit of all or any Part or Parts of the said Rates or Duties aforesaid; and in case the same, or any Part thereof, shall be behind and unpaid for the Space of Sixty Days next over or after the same shall become due and payable as aforesaid, and after Demand thereof made, that then it shall be lawful for the said Commissioners, or any Five or more of them, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive such Part or Parts of the said Tolls, Rates, and Duties as are liable to pay such Interest so due and unpaid as aforesaid, and the Money so to be received by such Person or Persons shall be and is hereby declared to be as so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until all such Interest due thereon, together with the Costs and Charges of recovering and receiving the said Tolls, Rates, and Duties, shall be fully satisfied and paid, and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine; or otherwise, the said Interest so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at Westminster.

General Assemblies of the Proprietors.

LXVII. And be it further enacted, That there shall in every Year be Two General Assemblies or Meetings of the said Proprietors for putting this Act into Execution, the First of which shall be holden at the House of Thomas Banton, known by the Sign of The Crown in Oakham aforesaid, upon the First Thursday after the Commencement of this Act, and the like General Assemblies or Meetings shall be held on the First Thursday in October, and the First Thursday in April, every Year for the future, at or before the Hour of Eleven of the Clock in the Forenoon, at such respective Places as shall from Time to Time be ascertained and fixed at any preceding General Meeting; at which said First General Meeting the

Proprietors assembled, together with such Proxies as shall be then present, shall chuse a Committee of not exceeding Thirteen, nor less than Nine Proprietors in the said Navigation, any Five or more of whom shall be competent to act, and to manage, direct, and carry on the said Navigation, and all the Affairs of the said Company of Proprietors for the Year then next following, or until another Committee shall be appointed, and to do all and every other Matters and Things whatsoever relating thereto, at which Meeting also the said Proprietors shall choose and appoint a Treasurer or Treasurers, and a Clerk or Clerks, and such other Officers as they shall think necessary, and to take such sufficient Security from every such Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of his or their Office, as the said Company of Proprietors shall think proper, and from Time to Time to remove any such Officer; and every such Clerk or Clerks, or One of them, shall always attend the General Meetings and Assemblies of the said Proprietors, and the Meetings of the said Committee, and make Entries, and do whatsoever shall be ordered at such Meetings: Provided always, that such Committee shall from Time to Time make Reports of their Proceedings to the said General Assemblies, and be subject to the Examination and under the Controul of the said General Assemblies of the said Proprietors, and shall pay due Obedience to all such Orders and Directions in and about the Premises as they shall from Time to Time receive from the said Proprietors at any such General Assemblies, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained. Committee to be chosen.

LXVIII. And be it further enacted, That the said Committee of Proprietors shall afterwards be annually chosen at the General Meeting of Proprietors to be holden on the First Thursday in April, and shall meet constantly once a Month, or oftener, if the said Committee shall find it necessary, at a Day, Hour, and Place to be appointed, until the said Navigation shall be completed, and as often afterwards as Occasion shall require, and each Member of the Committee shall have but One Vote, except the Chairman, who shall be chosen by and out of the said Committee, and who in case of a Division of equal Numbers shall have the casting Vote, although he may have given One Vote before. Annual Appointment of the Committee.

LXIX. And be it further enacted, That if it shall at any Time appear to any Ten or more of such Proprietors, that for the more effectually putting this Act into Execution, Meeting of Proprietors may be called on Emergencies.

Execution, an extraordinal General Meeting of Proprietors is necessary to be holden, it shall be lawful for such Ten or more of them to cause Notice thereof to be given in the Leicester or Stamford Newspapers (or by circular Letters to all the Proprietors) declaring in such Notice the Place where, and the Time when such Meeting is to be holden, (the same not being less than Fourteen Days after such Notice given), and also specifying in every such Notice the Reason for calling such Meeting, and the Proprietors are hereby authorized to meet, pursuant to such Notice, and proceed to the Execution of the Powers by this Act given, with respect to the Matters so specified, and every such Act of the Proprietors, to be determined by the major Part of Votes and Proxies at such Meeting assembled, shall be as valid, to all Intents and Purposes, as if the same was done at a General Meeting held in the Manner herein-before appointed.

What Number of Shares Assemblies shall consist of.

LXX. Provided always, and be it further enacted, That if at any such General or Special Assemblies there shall not be Persons present who have Fifty Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time, but in such Case there shall be a new Assembly of the Proprietors of the said Navigation at the same Place, upon that Day Month following, and so from Time to Time, until there shall be Persons present at such Assembly having such Number of Shares as aforesaid, and such Choice shall be then made of Persons to be the Committee, as ought to have been made at the Day herein-before appointed, had there then been a sufficient Number of Votes present, and the Persons then chosen to be of the said Committee, shall have the same Power which they would have had, and continue in such Office until such Time as they would have done, had they been chosen on the said Day herein-before appointed; and that in case of Failure of the Meeting of Persons having Fifty Votes as Principals or Proxies at such First Meeting, the whole Number of Principals who shall not be present at such Second Meeting by him, her, or themselves, or his, her, or their Proxies, shall forfeit to the said Company of Proprietors, for every such Share which he, she, or they shall then have in the said Navigation, the Sum of One Shilling, to be stopped out of the next Payment of Interest, or out of the next Dividend of the Profits of the said Undertaking, as the Case may be.

Proprietors not meeting, to forfeit One Shilling for each Share they possess.

General Assemblies may audit and settle Accounts.

LXXI. And be it further enacted, That every such General Assembly shall have Power from Time to Time to call for, audit, and settle all Accounts of Money laid

out and disbursed concerning the said Navigation, with the Receiver or Receivers, and other Officer or Officers to be by them appointed, or any other Person or Persons whomsoever employed by, or concerned for or under them, in and about the said Navigation, and for that Purpose shall have Power to adjourn themselves over from Time to Time, and from Place to Place, as shall be thought convenient; and every General Assembly, or such Committee, shall have Power from Time to Time to make such Call or Calls of Money from the said Company of Proprietors, to defray the Expences of carrying on the said Navigation, as they from Time to Time shall find wanting and necessary for the several Purposes aforesaid, so as that no One Call shall exceed the Sum of Ten Pounds for every One hundred Pounds, and so as no Calls be made but at the Distance of Two Calendar Months at the least from each other, which Money so called for shall be paid into the Hands of the Treasurer or Treasurers of the said Company for the Time being, to be paid and applied in such Manner as the said General Assembly shall from Time to Time appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next General or other Assembly, to be holden in Manner as aforesaid, have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in buying and purchasing of Lands, Liberties, and Materials for the Use of the said Navigation, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a Majority of the said Committee absolutely then and there assembled, and such Committee may adjourn themselves from Time to Time as they shall see Occasion; and every Owner or Owners of One or more Part or Parts, Share or Shares, in the said Undertaking, shall pay his, her, or their Share or Proportion, Shares or Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed, of which Twenty-eight Days Notice shall be given by the Clerk of the said Company, by publishing the same in the Leicester and Stamford Newspapers, or by circular Letters; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Share or Shares, Part or Parts of the said Money to be called for by the First

Power in the General Assembly or Committee to make Calls.

Call

Call as aforesaid, at the Time and Place so to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of his Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; and in case any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part of the said Money to be called for after the First Call as aforesaid, for the Space of Two Calendar Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they so neglecting or refusing shall forfeit the Sum of Five Pounds for every of his, her, or their respective Share or Shares, Part or Parts, in the said Navigation, Undertaking, and Premises; and in case any such Person or Persons shall neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money, to be called for after the First Call as aforesaid, for the Space of Six Calendar Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they so neglecting, shall forfeit his, her, and their respective Share and Shares, Parts and Interests, in the said Navigation, Undertaking, and Premises, and all the Profit and Benefit thereof, all which Forfeitures shall go to the Rest of the Company of Proprietors of the said Navigation, in Trust for, and for the Benefit of all the Rest of the said Proprietors, in Proportion to their respective Interests therein.

Subscribers to have Notice before their Shares are forfeited.

LXXII. Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Navigation, till after personal Notice to the Owner, nor unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, which shall be holden within Six Calendar Months next after such Forfeiture shall occur or be made; and every such Forfeiture shall be an Indemnification to and for every Proprietor and Proprietors so forfeiting, against all Actions, Suits, and Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting, and the Rest of the Proprietors, with respect to the carrying on the said intended Navigation.

Power in General Assemblies to make Bye Laws.

LXXIII. And be it further enacted, That the said Company of Proprietors for the Time being shall always have Power and Authority, at any General Assembly, to remove or displace any Person or Persons chosen to be of such Committee as aforesaid, or any Officer or Offi-

cers under them, and to chuſe and appoint new ones, and to revoke, alter, amend, or change any of the Rules or Directions herein-before preſcribed and laid down with regard to their Proceedings amongſt themſelves, as to the major Part of them ſhall ſeem meet, (the Method of calling General or Special Aſſemblies, and their Time and Place of aſſembling, and Manner of voting and appointing Committees, only excepted), and ſhall have Power to make ſuch new Rules and Bye Laws, Orders, and Regulations, for the good Government of the ſaid Company, and for the good and orderly carrying on, completing, and maintaining of the ſaid Navigation, and of all Things that ſhall be made and provided for or on Account of the ſame, and of and concerning all ſuch Veſſels, Goods, and Commodities as ſhall be navigated and conveyed thereon, and alſo for the well governing of the Bargemen, Watermen, and Boatmen who ſhall carry any Goods, Wares, and Merchandizes upon any Part of ſuch Navigation, in directing the ſame in what Manner he or they ſhall navigate the Boats or other Veſſels, as well as to their waiting for each other for the better paſſing through the ſeveral Locks, and from Time to Time to alter and repeal the ſaid Bye Laws and Regulations, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons offending againſt the ſame, as to the major Part of ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Five Pounds for any One Offence, ſuch Fines and Forfeitures to be levied and recovered by ſuch Ways and Means as are herein-after mentioned; which ſaid Rules, Bye Laws, and Regulations, being put into Writing under the Common Seal of the ſaid Company of Proprietors, ſhall be binding upon and obſerved by all Parties, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame, any Thing herein contained to the contrary notwithſtanding.

When Subſcribers die before their reſpective Shares are completed, their Executors, &c. to complete the ſame.

LXXIV. And be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Undertaking ſhall die before ſuch Call or Calls ſhall have been made for the full Sum to be advanced on each Share which he, ſhe, or they ſhall have been poſſeſſed of or entitled to, without having made Proviſion by Will or otherwiſe how ſuch Share or Shares ſhall be diſpoſed of, and how the future Calls in reſpect thereof ſhall be paid in, then, and in ſuch Caſe, the Executors or Adminiſtrators of any ſuch Owner ſo dying, and the Truſtee or Truſtees, Guardian or Guardians, of any Infant or In-

fants, or other Person or Persons whomsoever, entitled to the Estate or Effects of such deceased Owner, shall be indemnified against all such Infant or Infants, or other Person or Persons whomsoever, for paying any Sum or Sums of Money when called for as aforesaid to complete any such Subscription, and if any such deceased Owner shall not have left Assets sufficient, or in case the Executors, Administrators, Trustee, or Guardian of such deceased Owner, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be and are hereby impowered, authorized, and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Owner, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner, or the Trustee or Trustees, Guardian or Guardians, of any Infant or Infants, or other Person or Persons entitled to his, her, or their Effects, the full Sum and Sums of Money which shall have been paid by such Owner in his, her, or their Life-time, by virtue of any Call or Calls, or otherwise advanced upon such Share or Shares, and in Default of such Calls being answered and made good in Manner aforesaid, it shall be lawful for the said Company to sell and dispose of the Share or Shares of such deceased Owner, and pay the Money arising by such Sale, after deducting the reasonable Charges occasioned thereby, to or for the Benefit of the Representative of such deceased Owner.

How Shares may be disposed of.

LXXV. And be it further enacted, That it shall be lawful for the several Proprietors of the said Navigation to sell and dispose of any Share or Shares he, she, or they shall or may have or be entitled to in the said Navigation, subject to the Rules and Conditions herein mentioned, and any Purchaser or Purchasers shall, for his, her, or their Security or Securities, as well as that of such Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed or Deeds of Assignment or Conveyance made unto him, her, or them, and executed by such Person or Persons of whom he, she, or they shall purchase the same, and also by the Purchaser or Purchasers, One Part whereof duly executed both by the Seller and Purchaser, shall be delivered to the said Committee, or Clerk for the Time being, to be filed and kept for the Use of the said Company, and an Entry thereof shall be made in a Book or Books to be kept by the said Clerk for that Purpose, for which no more than One Shilling shall be paid, and the Clerk is hereby

required to make such Entry accordingly; and until such Duplicate or Duplicates of such Deed or Deeds shall be so delivered unto the said Committee or Clerk as aforesaid, and filed and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation, or any Interest for his, her, or their said Share or Shares paid to him, her, or them, or any Vote as Proprietor or Proprietors as aforesaid; and no Purchaser or Purchasers of any Share or Shares in the said Undertaking shall be entitled to vote at any General Meeting, unless it appears by the Register Book of the said Company that he, she, or they have or hath been a Proprietor or Proprietors of such Share or Shares for at least Three Calendar Months before that Time, save and except such Proprietor or Proprietors who became so by Inheritance, Devise, or legal Representation, or as Trustee or Guardian as aforesaid, who shall have a Right to vote, and in every Respect to act, so soon as their Claims and Rights thereto are made out and entered in the Register Book of the said Company in Manner aforesaid.

For assigning and transferring Shares.

LXXVI. And be it further enacted, That all and every such Share and Shares so to be sold, shall be assigned and transferred in the Words, or to the Effect following; (videlicet);

I *A. B.* in Consideration of paid to me by *C. D.* do hereby bargain, sell, assign, and transfer to the said *C. D.* Executors, Administrators, and Assigns, Shares [*as the Case may be*] in the *Oakham* Navigation, being Numbers in the Shares of the said Navigation, to hold to the said *C. D.* Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions, that I held the same immediately before the Execution hereof; and I the said *C. D.* do agree to accept thereof, subject to the same Rules, Orders, and Conditions. Witness our Hands and Seals, the Day of in the Year of our Lord

Shares not to be sold till Call completed.

LXXVII. And be it further enacted, That after any Call of Monies shall be made by Authority of this Act, no Person or Persons shall sell or transfer any Share, Interest or Property which he, she, or they shall then have in the said Undertaking, by reason of any Deposit or Payments made on such Subscriptions, until the Monies called for upon their respective Share or Shares so to be sold shall be paid, upon the Penalty of forfeiting their

their respective Share or Shares of the said Undertaking to the said Company of Proprietors, in Trust for the Benefit of all the other Proprietors, unless the Person who shall be Vendor or Vendee shall at the Time of such Transfer pay the Money called for upon each Share so transferred to the said Company of Proprietors; such Forfeiture, nevertheless, to be notified and declared at a General Assembly in Manner above directed.

Directions what shall be done in Change of Property by Death, &c.

LXXVIII. And whereas much Inconvenience may arise by the frequent Transfer of the Right and Title to the Shares of and in the said intended Canal by the Death of Proprietors; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said intended Canal by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, shall be produced or shewn to the said Clerk, or an Affidavit, containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration, in case the Proprietor shall have died intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects (as the Case may happen to be) before One of the Judges at Westminster, a Master in Chancery, or One of his Majesty's Justices of the Peace, and shall be transmitted to the said Clerk, who shall file and enter the same in a Book or Books which shall be kept by him for the Entry of Transfers of Shares in the said intended Canal.

Books to be kept for entering Proceedings of the Company.

LXXIX. And be it further enacted, That the Clerk or Clerks to the said Company of Proprietors shall, in proper Books to be provided for that Purpose, enter and keep true and perfect Accounts of the Names and Places of Abode of the several Proprietors of the said Navigation, and of the several Persons who shall from Time to Time become Owners and Proprietors, or entitled to any Share or Shares, or to any Part of such Shares, of and in the said Navigation, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors, and of the Committees, by virtue of and under the Authority of this Act, and that each of the said Proprietors shall and may, at all convenient Times, have Recourse to, and peruse and inspect such Books gratis, and may demand and have Copies thereof, paying Four-pence for every One hundred Words so to be copied, and if the Clerk shall refuse to permit any such Proprietor to inspect such Books, or refuse to make Copies or Extracts thereof,

at the Rate or Times aforesaid, he shall, for every such Offence, forfeit and pay the Sum of Five Pounds.

Commissioners Accounts to be entered by their Clerk.

LXXX. And be it further enacted, That the Clerk or Clerks to the said Company of Proprietors for the Time being, or One of them, shall from Time to Time attend the said Commissioners at all Meetings to be by them holden for the Purpose of executing this Act, and that all the Accounts relating to the said Navigation and Undertaking shall be stated and settled, and all Orders and Proceedings of the said Commissioners shall be entered by such Clerk in a Book or Books to be kept for that Purpose, (such Book and Books to be open at all reasonable Times for the Inspection of any Person interested, and desirous of seeing and examining the same, without Fee or Reward), and the said Orders and Proceedings, when so entered as aforesaid, shall be signed by such Number of the Commissioners respectively, as by this Act are impowered and required to make such Orders and carry on such Proceedings, and shall also be attested by the said Clerk as a Witness thereto, and being so signed and attested, shall be deemed Originals, and admitted as Evidence without further Proof in all Courts whatsoever.

Books to be locked up.

LXXXI. And be it further enacted, That the Book and Books in which the Accounts relating to the said Navigation shall be stated and settled, and all Papers and Writings relating thereto belonging to the said Company of Proprietors, shall be deposited and locked up in a Chest or Box, or Chests and Boxes, to be kept at such Place or Places as the said Company of Proprietors shall from Time to Time direct, and the Committee for the Time being shall have in their Custody or Power the Key or Keys thereof, and every Proprietor or Proprietors, upon every reasonable Desire or Request for that Purpose, shall have free Access to such Book and Books, for his, her, or their Inspection.

LXXXII. And, for making a Provision for obtaining the good Ends and Purposes herein-before mentioned, be it further enacted, That at such Place or Places upon or adjoining to the said Navigation, in such Manner, and under such Regulations as the said Company of Proprietors, by any Instrument in Writing under their Seal, shall direct and appoint, there shall be paid for Tonnage of all Goods, Wares, Merchandizes, or other Things whatsoever, which shall be navigated, carried, or conveyed upon the said Navigation, to the Collector or Collectors to be nominated by virtue of this Act, by all and every Person and Persons who shall so navigate, carry, or

convey any Goods, Wares, Merchandizes, or other Things whatsoever, such Sum or Sums of Money for the several Rates and Duties thereof, over and above what shall or may be paid for the Freight or Carriage thereof, as the said Company of Proprietors shall from Time to Time think fit and proper to appoint, not exceeding the several Rates and Duties herein-after mentioned; (that is to say);

Tonnage Rates.

For all Coals which shall be navigated, carried, or conveyed upon the said Navigation, the Sum of Three-pence Halfpenny per Ton per Mile, so that to whatever Extent the same shall be carried on the said intended Canal without being landed or unloaded, the Amount of such Payment per Ton shall in no Case exceed in the Whole the Sum of Three Shillings:

For all Iron, Timber, Coaks, and other Goods, Wares and Merchandizes (except as herein-after is excepted) which shall be navigated, carried, or conveyed upon the said intended Navigation, the Sum of Four-pence Halfpenny per Ton per Mile, so that to whatever Extent the same shall be carried on the said intended Navigation without being landed or unloaded, the Amount of such Payment per Ton shall in no Case exceed the Sum of Four Shillings:

For all Lime, Lime Stone, and Stones to be used for building, and Materials for paving, and repairing Roads, Half of the Rates, Tolls, and Duties herein-before authorized to be taken on Coals.

Fraction of a Mile to be taken as a Mile, and Fractions in a Ton to be taken by Quarters.

LXXXIII. Provided always, and be it further enacted, That in all Cases where there shall be a Fraction of a Mile in the Distance which any Boat, Barge, or other Vessel shall be navigated or pass upon the said intended Navigation, such Fraction shall, in ascertaining the said Rates, be deemed and considered a whole Mile; and that in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat, Barge, or other Vessel so to be navigated on the said intended Navigation, a Proportion of the said Rates shall be demanded and taken by the said Company of Proprietors for such Fraction, according to the Numbers of Quarters of a Ton contained therein, and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered a Whole Quarter of a Ton.

LXXXIV. Pro-

LXXXIV. Provided always, and be it further enacted, That all Dung, Soil, Marle, Ashes of Coal and Turf, and all other Manure (except Lime), for the Purpose of manuring any Lands or Grounds belonging to any Person owning any Land or Ground through or adjoining to which the said Navigation shall pass, and all Materials for the making, repairing, or paving any publick or private Road, shall not, nor shall any of them be charged with, or be liable to pay any of the Rates, Duties, or Tolls authorized to be taken by this Act, for being carried upon the said Navigation, or any Part thereof, but shall be free and exempted from the same, so that the Things hereby exempted from such Tolls and Duties, do not pass through any Lock authorized to be made by virtue of this Act, but at such Times when the Water shall flow over the Gauge, Paddle, or Waste Weir of such Lock; and also that such Person or Persons who shall own, or be concerned, or employed, in carrying such Dung, Soil, Marle, Ashes, Manure, or Materials, shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays, belonging to the said Company of Proprietors, such Person or Persons not suffering such Dung, Soil, Marle, Ashes, Manure, or Materials, to lie upon such Wharf or Quay longer than may be necessary for loading and unloading, or conveying the same from and to the several Places where they are to be put on Board and unloaded, provided that the Person or Persons claiming any such Exemption as aforesaid, and intending to pass through any Lock or Locks on the said intended Canal, shall give Notice to the nearest Collector of the said Rates, or Lock Keeper, of such his or their Intention, and shall specify the Lock or Locks through which he or they intend to pass, Twenty-four Hours at the least before the passing through the same, and making good any Damages that may be done to the Fences, Banks, or Towing Paths of the said Navigation, or any Part thereof, by the loading, unloading, or discharging any Boat or other Vessel, or by the loading of such Materials upon, to, or from the Banks of such Navigation, which Recompence and Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners, or any Five or more of them; and if any Person or Persons shall claim or use any of the aforesaid Exemptions, or shall claim a Right to navigate on the said Navigation, on Payment of the Lower Rates or Duties before mentioned, who shall not be entitled thereto, or shall use or dispose of any of the Articles so exempted, or liable only to the said Lower Rates and Duties, in any other Manner than as before intended

Exemptions from Rates.

intended to be exempted, and be convicted thereof before One Justice of the Peace, he or they shall, for every such Offence, forfeit any Sum not exceeding Five Pounds, nor less than Forty Shillings, to be levied by Distress and Sale of his and their Goods and Chattels.

Land Owners may use Pleasure Boats.

LXXXV. And be it further enacted, That it shall be lawful for the Owner or Owners, Occupier or Occupiers, of any Lands adjoining to the said Navigation, to use any Pleasure Boat or Boats thereon (not passing through any Lock) without Interruption from the said Company of Proprietors, or paying any Rate or Duty for the same, so as such Pleasure Boat or Boats be not made use of for carrying Goods, Wares, or Merchandizes, and so as the same shall not and do not obstruct or prejudice the said Navigation, or Towing Paths on the Sides thereof.

Quantity of Tonnage, &c. ascertained.

LXXXVI. And, for better ascertaining the Tonnage of Stone, Timber, and other Things, to be charged with the Payment of such Tolls, Rates, and Duties as aforesaid; it is hereby enacted and declared, That Sixteen Cubick Feet of Stone, Fifty Cubick Feet of Round or Forty Cubick Feet of Square Oak, Ash, Elm, or other Wood of nearly the same specifick Gravity, and Fifty Cubick Feet of Fir, Poplar, or other Wood of nearly the same specifick Gravity, either in the Round or Square Plank or in Boards, shall be deemed, rated, and estimated as and for One Ton Weight, and One hundred and twenty Pounds Avoirdupois of Coal or Coak, and One hundred and twelve Pounds Avoirdupois of all other Articles, shall be deemed and estimated as and for One Hundred Weight, and Twenty Hundreds of such Weight shall be deemed and estimated as and for One Ton Weight.

For fixing the Rates, and afterwards lessening them if necessary.

LXXXVII. And be it further enacted, That the said Company shall at any General Assembly to be held by the Direction of this Act, ascertain and fix the Rates to be taken by virtue of this Act, and that it shall be lawful for the said Company, at any General Assembly to be afterwards held for that Purpose, of which Three Calendar Months Notice at the least shall be given in Manner herein mentioned, to lessen or reduce all or any of the said Rates fixed at such First General Assembly as aforesaid, as the said Company shall think proper, and afterwards, from Time to Time, at any other General Assembly, of which such Notice shall be given as aforesaid, to advance all or any of the said Rates or Duties so lessened, to any Sum or Sums of Money not exceeding the respective Rates or Duties herein-before granted.

For Recovery of Rates.

LXXXVIII. And be it further enacted, That in case any Person or Persons shall refuse or neglect to pay the said Rates or Duties, or any Part thereof, to such Collector or Collectors as aforesaid, on Demand, the said Company of Proprietors shall and may sue for and recover the same with such Costs as aforesaid, by Action of Debt or on the Case, in any Court of Record; or the Person or Persons, to whom the said Rates or Duties ought to have been paid, may, and he and they is and are hereby impowered to seize and detain any Goods, Wares, Merchandize, Commodities, Boats, or Vessels for which the said Rates or Duties ought to be paid, until they shall be satisfied and paid the same; and in case such Rates and Duties shall not be paid within the Space of Twenty Days after such Seizure made, it shall be lawful for the said Company of Proprietors, or the said Collector or Collectors, to sell such Goods, Wares, Merchandizes, Commodities, Boats, or Vessels, rendering the Overplus (if any) to the Owner or Owners thereof, after the said Rates or Duties, and all reasonable Charges of such Seizure and Sale, shall be deducted, satisfied, and paid.

Masters of Vessels to give an Account of their Lading.

LXXXIX. And, for the more easy collecting the said Rates or Duties; be it further enacted, That the Master, Owner, or Manager of every Boat, Barge, or other Vessel navigating upon or along the said Navigation, or any Part thereof, shall give a just Account in Writing signed by the Master, Owner, or Person having the Rule or Command of every such Boat, Barge, or other Vessel, to the Collector or Collectors of the said Rates or Duties, at the Place or Places where they shall attend for that Purpose, of the Quantities, Qualities, or Weight of Goods, which shall be in or belong to such Boat, Barge, or other Vessel, and also of the Quantities, Qualities, or Weight of Goods which shall have been discharged or taken out of such Boat, Barge, or other Vessel, within the Limits of the said Navigation, before their Arrival at the Place where such Account is to be given; and in case such Master, Owner, or other Person shall neglect or refuse to give such Account, or shall give a false Account thereof, he shall forfeit and pay to the said Company of Proprietors a Sum not exceeding Twenty Shillings per Ton for every such Offence, over and above the Rates and Duties he is obliged to pay for the same, which said Forfeiture may be recovered either against the Master of such Vessel, or the Proprietor or Owner thereof, at the Election of the said Company of Proprietors.

For regulating the Weight of Lime.

XC. And whereas Lime and Coaks will receive an Increase of Weight in passing upon the said Navigation, whereby it may be difficult to ascertain whether or not the Owners or Managers of such Vessels have given a true Bill of Lading; be it therefore enacted, That the said Commissioners, or any Five or more of them, shall, at some Meeting to be appointed for that Purpose, ascertain and determine, by due Experiment, the Increase of Weight of such Lime and Coaks, and fix and ascertain the proper Allowance that shall be made for such Increase of Weight.

In case of Difference concerning the Weight of Goods, Vessels to be detained, and Goods weighed.

XCI. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Duties, and the Master or Person having Charge of any Boat or Vessel, or the Owner of any Goods, Wares, or Merchandize, concerning the Weight and Quantity of the same, it shall be lawful for any such Collector to seize and detain any such Boat or Vessel, and to weigh, measure, and gauge, or cause to be weighed, measured, and gauged, all such Goods, Wares, and Merchandize as shall be therein contained, and in case the same shall, upon such weighing, measuring, and gauging, appear to be of greater Weight or Quantity than such Master, Owner, or other Person having the Care of the said Boat or Vessel affirmed the same to be, then the Master, Owner, or other Person so offending, shall pay the Costs and Charges of such weighing, measuring, and gauging, all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be levied and recovered as the said Rates and Duties are hereby appointed to be levied and recovered; but if such Goods, Wares, and Merchandize shall appear to be of the same, or less Weight or Quantity, than the Master, Owner, or Person declared the same to be, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and also shall pay to the Master or Person, or to the Owner or Owners of such Goods, Wares, and Merchandizes, such Damages as shall appear to the said Commissioners, or any Five or more of them, on the Oath of One or more credible Witness or Witnesses, to have arisen from such Detention, and in Default of immediate Payment thereof by the Collector, the same shall be recovered against the Company of Proprietors of the said Navigation, by Action of Debt, in any of His Majesty's Courts of Record.

Navigation to be free on paying the Rates.

XCII. And be it further enacted, That all Persons whomsoever shall have free Liberty to use with Horses,

Cattle, and Carriages, the private Roads and Ways (except the Towing Paths) to be made by virtue of this Act, for the Purpose of conveying any Goods, Merchandize, and Commodities, and other Matters and Things whatsoever, to and from the said Navigation, and with any Boats, Barges, or other Vessels, suited to the Construction of the Locks, and Depth of Water in the said Navigation, to use the said intended Navigation for the Purpose of conveying Coals, and all other Goods and Things whatsoever, and to use the Wharfs and Quays to be made by virtue or in pursuance of this Act, for loading and unloading Goods, and the said Towing Paths for haling and drawing such Boats and Vessels, upon Payment of such Rates and Duties as shall be demanded by the said Company of Proprietors, by virtue of the Power herein-before granted for and concerning the said Navigation.

Penalty on making Obstructions by placing Vessels.

XCIII. And be it further enacted, That if any Boat, Barge, or other Vessel, shall be placed in any Part of the said Navigation so as to obstruct the said Navigation, and the Person having the Care of such Boat, Barge, or other Vessel shall not immediately, upon Request made, remove the same, he shall for every such Offence forfeit and pay any Sum not exceeding Six Shillings, nor less than Three Shillings, for every Hour such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause any such Boat, Barge, or other Vessel, to be unloaded (if necessary), and to be moved in such Manner as shall be proper for preventing such Obstruction in the Navigation, and to seize and detain such Boat, Barge, or other Vessel, and the Loading thereof, until the Charges of such Removal are paid; and if any Boat, Barge, or other Vessel shall be sunk in the said Navigation, and the Owner or Person having the Care or Management of such Boat, Barge, or other Vessel shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat, Barge, or other Vessel to be weighed or drawn up, and to detain the same until Payment be made of all the Expences necessarily occasioned relating thereto.

Vessels sunk to be weighed forthwith.

For preventing Damage from Floods.

XCIV. And whereas it may happen from Floods, or from some unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, or other Works of the said Navigation may be damaged or destroyed, and the adjacent Lands thereby likewise endangered or damaged, and

and that it may be necessary the same should be immediately repaired or rebuilt to prevent further Damage; be it therefore enacted, That when and so often as any such Accident shall happen, it shall be lawful for the said Company of Proprietors, from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any previous Application to the said Commissioners, and without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments adjoining or near to the said Navigation, Locks, Weirs, or other Works, or any of them, (not being the Ground whereon a House stands, or an Orchard, Park, Paddock, Garden, or Ground planted as a Nursery for Trees, or an Avenue to an House), and to dig for, get, work, take, carry away, and use all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Works will admit of, and making Recompence for such Damages to the Owners or Occupiers of, or other Persons interested in such Lands, Grounds, and Hereditaments, within the Space of Three Calendar Months next after the same shall be demanded, for all Damages which may be done by Means of the digging for, getting, working, taking, carrying away, and using such Stones, Gravel, and Materials, or any of them; which Damages, and the Satisfaction and Recompence to be made in respect thereof, shall be adjusted, assessed, ascertained, settled, and determined by the Ways and Means herein-before prescribed with respect to other Damages done by getting Materials for the Purpose of making and completing the said Navigation.

Drains to be made into the Navigation to convey Water.

XCV. And, to the End that the said Navigation may be carried on with as little Damage to private Property as may be, be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their own proper Costs and Charges, to make or cause to be made such Tunnels, Culverts, Drains, Back Drains, or other Passages by the Side of or into the said Navigation authorized to be made by this Act, and the said Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof, of such Depth and Breadth as shall be sufficient at all Times to convey the Water from the Lands adjoining

or lying near the said Navigation, without obstructing or impeding the same, and all such Tunnels, Culverts, Drains, or other Passages, shall from Time to Time be supported, maintained, and kept in good and sufficient Repair by the said Company of Proprietors; and if at any Time or Times after One Calendar Month's previous Notice shall be given, by or on Behalf of any Owner or Owners, Occupier or Occupiers of the said adjacent Lands, who shall find him, her, or themselves aggrieved by the Obstructions of any such Watercourses, to the said Company, or their known Agent or Agents for the Time being, and the said Tunnels, Culverts, Drains, or other Passages, shall not be made, cleansed, repaired, and maintained, according to the Intent and Meaning of this Act, it shall be lawful for any Person or Persons, having an Order in Writing for that Purpose from the said Commissioners, or any Five or more of them, from Time to Time, as often as there shall be Occasion, to make, open, cleanse, and repair such Tunnels, Culverts, Drains, or other Passages, and the reasonable Expences thereof, to be ascertained by the said Commissioners, shall be defrayed by the said Company, and in case of Neglect or Refusal to satisfy the same within Two Calendar Months after Demand thereof made to the Clerk of the said Company, such Expences shall and may be recovered from the Company of Proprietors of the said Navigation, by Action of Debt or on the Case, in any of His Majesty's Courts of Record.

Private Persons may make Cuts to communicate with the Canal.

XCVI. And be it further enacted, That it shall and may be lawful for the Proprietor or Proprietors of any Lands or Grounds, or of any Mines of Coal, Iron Stone, Lime Stone, or other Minerals, to make any Navigable Cut or Cuts through his, her, or their own Lands, in such Manner as he, she, or they shall think proper, to communicate with the said intended Canal, so that the same be done without diverting any Streams of Water which are necessary for supplying the said intended Canal, or any other Canal or Cut which shall be necessary for the working of any Furnaces, Forges, or Mills, and without doing any Injury or Damage to the said Navigation, and so and in such Manner that the Rates herein made payable to the said Oakham Canal Company may not thereby be evaded, and so as the Person or Persons making every such Cut shall (if thereunto required by the said Oakham Canal Company) make, erect, and maintain a Stop Gate or Stop Gates on every such Cut, in order to prevent the Water being drained or wasted out of the said intended Canal, by means of making

making any such Cut to communicate therewith as aforesaid.

Lords of Manors, &c. may build Wharfs on their own Lands.

XCVII. And be it further enacted, That it shall be lawful for the Lord or Lords of any Manor or Manors, or the Owner or Owners, Lessee or Lessees, of any Lands, Grounds, or Wastes by which the said Navigation shall pass, and they are hereby authorized and impowered, to make, erect, or use any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses in or upon such Lands, Grounds, or Wastes, adjoining or near to the said Navigation hereby authorized to be made, for the Purpose of landing any Goods, Wares, or Merchandizes, or other Matters and Things thereupon, or upon the Banks lying between the same and the said Navigation, and to use and make proper and convenient Places for Boats or other Vessels to lie in, turn, or pass by each other, and may lay out and make proper and convenient Ways and Roads to and from the said Navigation, so that the making, erecting, or using thereof respectively, shall not and do not obstruct or prejudice the said Navigation, or the Towing Paths on the Sides thereof respectively, and all Rates, Dues, and Duties that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be and they are hereby vested in such Lord or Lords of such Manor or Manors, or the Owner or Owners, and in such Lessee or Lessees of such Lands, Grounds, or Wastes, who shall make and erect the same respectively, during his, her, or their Estate or Interest in such Lands, Grounds, or Wastes, and in his, her, and their Heirs, Executors, Administrators, and Assigns, so that the Rates, Tolls, and Duties granted to the said Company of Proprietors for Tonnage and Wharfage, shall not be thereby reduced or altered.

But if not done within 12 Months after Notice, the Proprietors may build them.

XCVIII. Provided also, and be it further enacted, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Calendar Months next after Notice given in Writing, by or on Behalf of the said Company of Proprietors, that any Part or Parts of such Lands, Grounds, or Wastes is or are intended to be used by them for the Purposes of erecting Wharfs, Warehouses, and Buildings for the Use of the said Navigation, or for laying out and making necessary and convenient Roads for the Conveyance of Goods to and from the same, make, erect, maintain, and keep in substantial Repair, in the Opinion of the said Commissioners, or any Five or more of them, proper and sufficient

cient Wharfs, Warehouses, Buildings, and Roads for the Use of the said intended Navigation, on the respective Part and Parts of the Lands, Grounds, and Wastes comprized and described in such Notice, then, and in every such Case, the said Company of Proprietors shall have full and absolute Power and Authority, without any Hindrance or Restraint whatsoever, to make Use of such Lands, Grounds, or Wastes, (except such as are herein particularly specified and excepted), for all or any of the Purposes aforesaid, first making or tendering Satisfaction for the same, in such Manner as is directed with respect to other Lands or Grounds which shall be taken or used for the Purposes aforesaid.

Regulations as to private Wharfs.

XCIX. Provided also, and be it further enacted, That nothing herein contained shall authorize or impower the said Company of Proprietors, or any other Person or Persons, to make Use of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouse which shall be set out, erected, or made by the Lord or Lords of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Canal, for his, her, or their private Use only, nor to set up, erect, repair, or use any Cranes or Weighing Machines in or upon any such Wharf, Quay, or Landing Place.

Rates of Wharfage.

C. And be it further enacted, That no greater Sum of Money shall be demanded or taken for Wharfage by the said Company of Proprietors, or by any Lord or Lords, Land Owner or Land Owners, who shall at any Time hereafter make, erect, or build any Wharfs or Quays on any Part of the said Navigation, in pursuance of the Notice to be given by or on Behalf of the said Company of Proprietors to such Lord or Lords, Owner or Owners as aforesaid, than what shall be deemed and ascertained as a fair and reasonable Recompence and Satisfaction for the same by the said Commissioners, or any Five or more of them, at a Meeting to be held for that Purpose, (of which Meeting at least Twenty-one Days Notice shall be given in some Leicester or Stamford weekly Newspaper, or by Notice affixed up in such Parts of the Towns of Oakham and Melton Mowbray aforesaid, where Proclamations are usually affixed), assigning in such Notice the Purpose of such intended Meeting.

For regulating the Boatmen.

CI. And, for regulating the Masters of Boats, Boatmen, and others employed upon the said Navigation, be it further enacted, That every Owner of any Boat, Barge, or other Vessel passing on the said Navigation, shall cause his Name to be set in large painted White

Capital

Capital Letters, Six Inches high at least, and of a proportionable Breadth, on a Black Ground, on each of the Outsides of every Boat, Barge, or other Vessel, highest than the same shall sink into the Water when full loaded, and shall also permit and suffer every such Boat, Barge, or other Vessel to be measured, at the Expence of the said Company, by putting Weights into the same for that Purpose, or otherwise, and to be marked with Figures or other Marks at each End and Middle, on the Outside thereof, shewing how much or how far every Ton Weight of Loading which shall be put in every Boat, Barge, or other Vessel will sink the same into the Water, whenever it shall be required by the said Company of Proprietors, or such Person or Persons as shall be appointed by them for that Purpose; and every Owner of any Boat, Barge, or other Vessel who shall refuse or neglect to put his or her Name on any Boat, Barge, or other Vessel, and every Master, Owner, or other Person having the Rule or Command of such Boat, Barge, or other Vessel measured or marked as aforesaid, who shall alter, deface, or destroy any of the said Letters, Figures, or Marks, shall, for every such Offence respectively, forfeit and pay the Sum of Forty Shillings, One Moiety whereof shall be paid to the said Company of Proprietors, and the other Moiety to the Person who shall inform and sue for the same.

Boat Master or Owner to be accountable for Damages done by the Crew;

CII. And be it further enacted, That the Master or Owner of every Boat or other Vessel navigating within the Limits of the said Canal, shall be, and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his Boat or other Vessel, or any of the Boatmen or Watermen belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, or other Works in, upon, or near the said intended Navigation, Trenches, Sluices, and Passages, or by loading or unloading any Boat or other Vessel, or for any Trespass or other Damages that shall or may be done to the Owners or Proprietors of any Building, Erection, Lands, or Tenements adjoining to the same, or any of them; and the said Master or Owner of such Boat or Vessel shall and may be sued and prosecuted for the same in any Court of Record whatsoever, and if found guilty, or if a Verdict shall pass against him upon Demurrer, or by Default, the Plaintiff in such Case shall recover his Damages thereby sustained, with full Costs of Suit; but nevertheless every such Servant shall be liable to repay such Penalty, or the Amount of Satisfaction for Damages, to

but may recover from their Servants the Sums paid for them.

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

Places to be made for Boats to turn and lie in till others pass.

CIII. And be it further enacted, That the said Company of Proprietors shall and may, and they are hereby required, in such Part of the said Navigation as shall not be of a sufficient Breadth for admitting a Boat or Vessel to turn about and lie, or Two Boats or other Vessels to pass each other, to open or cut proper Spaces or Places in the Lands adjoining to the said intended Navigation, Trenches, or Sluices, at convenient Distances from each other, for the turning, lying, or passing of any such Boat or Vessel, and that the Boats or other Vessels passing upon the said Navigation shall, upon meeting any other Boat or Vessel, stop at, or go back to and lie in the said Spaces or Places, in such Manner as the said Committee, or any Five or more of them, under their Hands and Seals, shall direct and appoint.

Penalty on Persons opening Locks, wasting Water, &c.

CIV. And be it further enacted, That if any Person or Persons whomsoever shall wantonly, or through Carelessness or Negligence, open, or cause to be opened, any Lock, Paddle, Valve, or Clough belonging to the said Navigation, 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 Navigation, or shall leave any of the Cloughs open after any Boat or other Vessel shall have passed any Lock belonging to the said Navigation, or if any Person or Persons shall draw

or cause to be drawn any Paddle, Valve, or Clough belonging to the said Navigation, so as to mispend or waste the Water therein, or shall wilfully or maliciously do any other Act to the Prejudice of the said Navigation, every Person offending in any of the Particulars aforesaid, and being thereof convicted before One or more Justice or Justices of the Peace for the Place or District where such Offence is committed, by the Oath of One or more Witness or Witnesses, (which Oath such Justice or Justices is and are hereby respectively impowered to administer), shall forfeit and pay, for every such Offence or Offences, any Sum not exceeding Five Pounds, nor less than Twenty Shillings, at the Discretion of such Justice or Justices.

Rules for mooring Vessels.

CV. And be it further enacted, That the said Commissioners, or any Five or more of them, shall ascertain the several Distances nearer than which no Boat, Barge, or other Vessel, shall be suffered to be moored or lie to any Mill, Dam, Stones, Posts, or Bridge within the said Navigation respectively, and shall set up Stones or Posts denoting the same, and if any Person shall moor or cause to be moored any Boat, Barge, or other Vessel within the Distances so to be ascertained as aforesaid, every Person shall, for every such Offence, forfeit and pay the Sum of Twenty Shillings: Provided always, That nothing herein contained shall be construed to extend to prevent, hinder, or obstruct any Person or Persons from loading or unloading any Boat, Barge, or other Vessel within the Distances so to be ascertained as aforesaid.

Persons overloading or obstructing the Passage of the Navigation, to forfeit Five Pounds.

CVI. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Navigation, or shall load any Boat or Vessel with Timber, and suffer such Timber to lie over the Sides of any such Boat or Vessel so laden, or shall overload any Boat or other Vessel navigating in or upon the said Navigation, and when so overloaded shall put such Boat or other Vessel in the said Navigation, so as by such overloading to obstruct the Passage of any other Boat or Vessel, and shall not immediately, upon Notice given to the Owner or Owners, Person or Persons having the Care of such Boat or Vessel so obstructing the Passage as aforesaid, hale such Boat or other Vessel back into such Place or Places as shall be proper or made for Boats or other Vessels to pass each other, every such Owner or Owners, Person or Persons, floating such Timber, or having the Care of such Boat or Vessel,

shall forfeit and pay, for every such Offence, a Sum not exceeding Five Pounds to the said Company of Proprietors, to be laid out and employed towards maintaining the Works of the said Navigation, and to no other Use or Purpose whatsoever.

Penalty on Persons throwing Rubbish into the Navigation.

CVII. And be it further enacted, That if any Person or Persons shall wilfully throw any Ballast, Gravel, Stone, or Rubbish into any Part of the said Navigation, or any Trenches or Watercourses to be made or maintained by virtue of this Act, every such Person shall for every Offence forfeit a Sum not exceeding Forty Shillings, to be paid and applied in such Manner as herein-after is mentioned.

The Company liable to be indicted at Common Law, for not repairing publick Bridges.

CVIII. And be it likewise declared and enacted, That the said Company of Proprietors shall be indictable at Common Law, for not repairing and keeping in Repair all Bridges, Wing Walls, Ramparts, Side Banks, and Approaches to be erected and made by virtue of this Act, in any Highway over and across the said Canal, and that the said Company of Proprietors shall also be liable to pay the Costs of all such Prosecutions, upon Proof of One Calendar Month's Notice being given to, or left at the House of the Treasurer or Clerk of the said Company, previous to the Commencement of such Prosecution, by the Surveyor of the Highways on either Side of the said intended Canal, and on Conviction of the Defendants.

Navigation not under the Power of the Commissioners of Sewers.

CIX. Provided always, and be it enacted, That the said Navigation, or any Works whatsoever to be made by virtue of the Powers of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or to any Law or Statute relating to Sewers, any other Law or Statute to the contrary thereof notwithstanding.

Persons on board having Nets, not being qualified, forfeit 5*l.*

CX. And be it further enacted, That if any Person or Persons navigating or working, or being on Board any Boat or Vessel, within the Limits of the said intended Navigation, (not being qualified by the several Laws and Statutes relating to Game), shall carry with him or them, or have on Board any Boat or other Vessel any Fishing Net, Gun, Engine, or other Instrument for taking or destroying, and with an Intent to take and destroy Fish or Game, such Person or Persons, being thereof lawfully convicted by his own Confession, or on the Oath of One or more credible Witness or Witnesses, before One or more of his Majesty's Justices of the Peace for the Counties of Leicester or Rutland, as the Case may be, shall for every such Offence forfeit and pay the Sum

of

of Five Pounds; and in case any Master or other Person having the Command of any Boat or other Vessel shall knowingly suffer or permit any such Person or Persons, not being duly qualified as aforesaid, to have, carry on Board, or make use of any Fishing Net, Gun, or other Instrument for taking or destroying Fish or Game, and being thereof convicted as aforesaid before One or more Justice or Justices of the Peace for either of the said Counties of Leicester and Rutland respectively, shall, for every such Offence, forfeit and pay the Sum of Five Pounds, over and above all other Penalties inflicted by Law.

Preserving Rights of Lords of Manors.

CXI. Provided always, and be it further enacted, That nothing herein contained shall extend to defeat, prejudice, or affect the Right or Rights of the Lord or Lords of any Manor or Manors, Common or Waste Grounds, or any other Owner or Owners of any Lands or Grounds in, upon, or through which the said Navigation, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or Conveniences aforesaid, or any of them, shall be made, to the Mines, Minerals, or Quarries, lying or being within or under the Land or Ground to be set out or made Use of for such Navigation, Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses or Conveniences aforesaid, or any of them, but all such Mines, Minerals, and Quarries are hereby reserved to such Lord or Lords of such Manor or Manors, or such Commons or Waste Grounds, and to such Owner or Owners of such Lands or Grounds respectively, their Heirs and Assigns; and that it shall be lawful for the Lord or Lords of such Manor or Manors, Common or Waste Grounds, or such Owner or Owners of such Lands or Grounds, (respectively subject to the Provisoes and Restrictions herein contained), to take and carry away to his or their Use, such Mines, Minerals, or Quarries, not thereby injuring, prejudicing, or obstructing the said Navigation, Towing Paths, Wharfs, Quays, Trenches, Sluices, Levels, Passages, Watercourses, or other Conveniences aforesaid, or any of them, any Thing herein contained to the contrary notwithstanding.

For preserving Fisheries to the Lords of Manors, &c.

CXII. And be it further enacted, That the Lord and Lords, Lady and Ladies, of all and every Manor and Manors, in, upon, or through which the said Canal or Reservoir shall be made, shall have and be entitled to the Right of Fishery of and in so much of the same as shall be made over, under, or through the Commons or Waste Lands within his, her, or their Manors respectively,

tively, and as shall be made over or through any other Lands or Grounds in the Pits, Ponds, or Waters whereof such Lord or Lords, Lady or Ladies, now have or hath, or are or is entitled to the Right of Fishery; and that the Owner or Owners of all other Lands or Grounds through which the said Canal or Reservoir shall be made, shall also have and be entitled to the like Right of Fishery of and in so much of the same as shall be made in, over, under, or through his, her, or their Lands or Grounds respectively; so as that in the Use and Exercise of the said Right of Fishery, the said Canal, or other Works hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the same, and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by reason of the taking or destroying of any Fish in the said Canal, which shall be taken, killed, or destroyed, through or by means of the letting off the Water out of the said Canal or Reservoir, on Account of any Repairs or Works to be done in and about the same; and it shall be lawful for the Lord or Lords, Lady or Ladies, of such Manor or Manors, and for the Owner or Owners of such Lands or Grounds, (being qualified by Law so to do), to take and kill Game upon so much of the said Canal and Reservoir as shall be made through their respective Lands or Grounds as aforesaid, any Thing herein contained to the contrary notwithstanding.

If Lands not used within a certain Time, to be reconveyed.

CXIII. And be it further enacted, That if the said Company of Proprietors shall be in Possession of any Lands or Grounds by virtue of this Act for the Space of Ten Years without using the same, or if the said Navigation shall be made and completed, and afterwards discontinued or disused for the Space of Five Years, then, and in either of the said Cases, the said Company of Proprietors shall convey all their Right, Property, and Interest in or to such Lands or Grounds respectively, unto the several and respective Persons, Bodies Politick, Corporate or Collegiate, or their Heirs, Successors, or Assigns, who were the Owners or Proprietors thereof immediately before the said Company of Proprietors became seised of the same, in case they, or any of them, shall think fit to become Purchasers thereof, and to pay such valuable Consideration for the said Lands and Grounds to the said Company of Proprietors, as the said Commissioners, or any Five or more of them, shall adjudge reasonable; and in case any Difference shall happen in ascertaining thereof by the said Commissioners, then, as any Jury, to

be impannelled in the Manner herein-before directed, shall ascertain or award to be paid for the same, provided that such Consideration so ascertained by such Commissioners, or to be awarded by such Jury, so to be impannelled as aforesaid, shall not exceed the Sum or Sums of Money first paid by the said Company of Proprietors for the Purchase of such Lands or Grounds; and in case the said Company, upon the Payment or Tender of such valuable Consideration as aforesaid for such Lands or Grounds, shall refuse or neglect to convey the same as aforesaid, then, and in such Case, such Lands or Grounds, upon Tender of such valuable Consideration as aforesaid to the said Company, shall revert to, and be thenceforth vested in the said several Person or Persons, Bodies Politick, Corporate or Collegiate, their Heirs, Successors, or Assigns; and in case an Annual Rent shall have been paid for the said Lands or Grounds to be taken in Manner aforesaid for the Use of the said Navigation, then such Rents shall cease and determine, and such Sum or Sums of Money shall be paid for Damages done to the said Lands or Grounds by the said Company of Proprietors, to the Person or Persons, Bodies Politick and Corporate or Collegiate, or their Heirs, Successors, or Assigns, to whom such Lands or Grounds shall be reconveyed or revert as aforesaid, as the said Commissioners or Jury respectively shall ascertain or award, such Sum or Sums of Money, in Default of Payment at the Time to be fixed by such Commissioners or Jury respectively, to be levied and recovered in such Manner as other Damages are to be levied and recovered by virtue of this Act.

Navigation to be measured, &c.

CXIV. And be it further enacted, That the said Navigation shall be measured, and Stones erected on the Sides thereof at the End of each Mile.

Recovery of Fines and Forfeitures.

CXV. And be it further enacted, That all Fines, Penalties, and Forfeitures imposed or inflicted by this Act, or by any Rules, Orders, or Bye Laws made by the said Company of Proprietors by the Authority thereof, (the levying and recovering of which said Fines, Penalties, and Forfeitures are not herein-before particularly directed), shall be levied and recovered by Warrant under the Hand and Seal or Hands and Seals of One or more Justice or Justices of the Peace for the Counties of Leicester and Rutland, which said Justices are hereby authorized to hear and examine Witnesses upon Oath, and determine the same, and may according to their Discretion mitigate any Fine, Penalty, or Forfeiture herein-before allowed to be mitigated; and all such respective Fines, Forfeitures, and Penalties by this

Act imposed or inflicted (the Application whereof is not herein-before particularly directed) shall be paid to the said Company of Proprietors into the Hands of their Receiver, Treasurer, or Collector of the Monies to be raised by virtue of this Act, and shall be applied and disposed of for the Use of the said Navigation, and to and for no other Use or Purpose whatsoever.

CXVI. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That all and every the Justice and Justices of the Peace before whom any Person or Persons shall be convicted of any Offences against this Act, shall and may cause the Conviction to be drawn up in the following Form of Words, or in any other Form of Words to the same Effect, as the Case shall happen; (videlicet);

Form of Conviction.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the [*specifying the Offence, and Time and Place and when and where the same was committed, as the Case shall be.*] Given under my Hand and Seal, the Day and Year aforesaid.

No Conviction to be removed by *Certiorari*, until Bond entered into with Sureties.

CXVII. Provided also, and be it further enacted, That no Conviction, Judgement, or Order of any Justice or Justices of the Peace which shall be by them respectively awarded and made in pursuance of this Act, or the Execution of the Powers hereby to them respectively given, shall be quashed, vacated, and discharged for or on Account of Form only, nor shall be removed by Certiorari into any of His Majesty's Courts of Record at Westminster, until the Person or Persons who shall sue out or prosecute such Writ shall enter into a Bond, with Two sufficient Sureties, in the Penalty of Fifty Pounds to the Person or Persons in whose Favour such Conviction, Judgement, or Order shall be made, conditioned for the prosecuting such Writ with Effect, and for Payment of the Costs and Charges to be awarded by the Court into which such Conviction, Judgement, or Order shall be or be intended to be removed, in case such Writs shall not be prosecuted with Effect, or such Conviction or Order be confirmed.

Distress not to be deemed unlawful for Want of Form.

CXVIII. And be it further enacted, That when any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making

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ing the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers ab initio, on Account of any Irregularity which shall be afterwards committed by the Party or Parties distraining, but the Person or Persons aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damages in an Action on the Case.

Appeal to the Quarter Sessions.

CXIX. Provided always, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Constitution of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, done or executed in pursuance of this Act, may, within Six Calendar Months after such Order, Matter or Thing shall have been made, done, or executed, and Notice given, complain to the Justices of the Peace at their General Quarter Sessions to be holden for the said Counties of Leicester and Rutland respectively, and not elsewhere, who shall in a summary Way either hear and determine the same at such General or Quarter Sessions, or if they think proper may adjourn the hearing thereof to the next General or Quarter Sessions of the Peace to be held for the said Counties, and if they see Cause may mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order such further Satisfaction to be made to the Party or Parties injured as they shall think reasonable.

Obliging Subscribers to pay their Subscription Money.

CXX. And be it further enacted, That the several Persons who have subscribed, or who shall hereafter subscribe, to advance any Money for and towards making and maintaining the said Navigation, and the Works hereby authorized to be made, shall, and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors, their Successors and Assigns, or the said Committee, under and by virtue of the Power and Directions of this Act, at such Times and Places as shall be directed by the said Company of Proprietors, their Successors and Assigns, or the said Committee, in Manner before mentioned; and in case any Person or Persons shall neglect or refuse to pay the same at the Time and in the Manner required for that Pur-

pose, it shall be lawful for the said Company of Proprietors, their Successors and Assigns, to sue for and recover the same in any Court of Law or Equity.

When Duty on Coals payable to Earl *Winchilsea* shall cease.

CXXI. And whereas the Right Honourable George Earl of Winchilsea and Nottingham, as Lord of the Manor of Oakham aforesaid, is entitled to a Toll or Duty of Two-pence per Ton upon all Coals sold within the Manor of Oakham aforesaid: And whereas the Annual Produce or Profits of the said Toll or Duty would be considerably increased by means of the Navigation intended to be made by virtue of this Act, and the Continuation thereof might be prejudicial to the said Navigation; and the said Company of Proprietors have therefore agreed with the said Earl of Winchilsea and Nottingham, that a certain Annual Sum of Fifteen Pounds shall be secured to be paid unto the said Earl of Winchilsea and Nottingham, his Heirs and Assigns, by the said Company of Proprietors, in lieu of and full Compensation for the said Toll and Duty, and that the same Toll and Duty shall, from and after such Annual Payment shall commence, cease, determine, and be no longer payable, subject nevertheless to the Condition herein-after contained: Be it therefore enacted, That, from and after the said Canal intended to be made by virtue of this Act, or any Part thereof within the Distance of Two Miles from the Town of Oakham aforesaid, shall be navigated by Boats, Barges, or other Vessels, the Toll and Duty heretofore payable or accustomed to be paid to the Lord or Lords, Lady or Ladies, of the Manor of Oakham aforesaid for the Time being, in respect of any Coal or Coals sold within the Manor of Oakham aforesaid, shall cease and determine, and be no longer payable or paid.

15 *l. per Ann.* to be paid in lieu of Duty.

CXXII. And be it further enacted, That in lieu of and full Compensation for the said Toll and Duty, the said Company of Proprietors shall, and they are hereby directed and required, out of the Rates, Tolls, and Duties, granted by this Act, to pay unto the said George Earl of Winchilsea and Nottingham, his Heirs and Assigns, the full Sum of Fifteen Pounds of lawful Money of Great Britain, by Two equal half-yearly Payments, on the Twenty-fifth Day of March and the Twenty-ninth Day of September in each Year, the first Payment thereof to begin and be made on such of those Days as shall next happen after the said Canal, or any Part or Parts thereof within the Distance of Two Miles from the Town of Oakham aforesaid, shall be navigated by Boats, Barges, or other Vessels, and from thence-

thencefoꝛward to continue payable in like Manner, yearly and every Year foꝛ ever.

In Default of Payment, Company's Effects may be seized.

CXXIII. And be it further enacted, That in caſe any of the half-yearly Payments oꝛ Sums herein-befoꝛe directed to be paid by the ſaid Company of Pꝛoꝑꝛietoꝛs to the ſaid George Earl of Winchilſea and Nottingham, his Heirs and Aſſigns, ſhall not be paid within Thirty Days next after the ſame ſhall become due and payable as afoꝛeſaid, it ſhall and may be lawful to and foꝛ the ſaid Earl of Winchilſea and Nottingham, his Heirs and Aſſigns, to ſue foꝛ and recover the ſame by Action of Debt, oꝛ on the Caſe, againſt the ſaid Company of Pꝛoꝑꝛietoꝛs, in any of His Majeſty's Courts of Recoꝛd at Weſtminſter, togeꝛther with full Coſts of Suit, oꝛ otherwiſe it ſhall and may be lawful to and foꝛ the ſaid Earl of Winchilſea and Nottingham, his Heirs and Aſſigns, and he and they is and are hereby fully authoꝛized and impowered, from Time to Time to ſeize and diſtrain any Boats, Veſſels, oꝛ other Goods oꝛ Effects of the ſaid Company of Pꝛoꝑꝛietoꝛs which ſhall be found upon the ſaid Navigation, oꝛ in oꝛ upon the Wharfs, Quays, Warehouſes, oꝛ other Woꝛks thereto belonging (Infoꝛmation of ſuch Seizure being given to the ſaid Company of Pꝛoꝑꝛietoꝛs, by delivering Notice thereof in Writing to ſome oꝛ One of their Clerks, Treaſurers, oꝛ Receivers), and to deꝛtain and keep the ſame until Payment thereof, together with the reaſonable Coſts, Charges, and Expences attending ſuch Seizure and Diſtreſs, and if ſuch Diſtreſs ſhall not be redeemed within Ten Days next after making the ſame, and Notice thereof given in Writing as afoꝛeſaid, then ſuch Boats, Veſſels, and other Goods oꝛ Effects ſo ſeized and diſtrained, ſhall and may be appꝛaiſed and ſold, in ſuch and the like Manner as the Law directs in Caſes of Diſtreſs foꝛ Nonpayment of Rent reſerved on Leaſe oꝛ Demiſe.

But if Canal be diſuſed for 10 Years, Agreement to be void.

CXXIV. Pꝛovided always, and it is hereby enacted and declared, That if the ſaid Navigation ſhall, at any Time after the ſaid Annual Sum of Fifteen Pounds ſhall commence and become payable, be diſcontinued oꝛ diſuſed foꝛ the Space of Ten Years, then all the Pꝛoviſions, Directions, Regulations, Clauſes, Matters, and Things herein contained with reſpect to the ſaid Toll and Duty laſt-mentioned, and the ſaid Annual Sum of Fifteen Pounds herein-befoꝛe directed to be paid in Lieu thereof, ſhall from thencefoꝛth ceaſe, determine, and be void; and it ſhall be lawful foꝛ the ſaid Earl of Winchilſea and Nottingham, his Heirs and Aſſigns, from thencefoꝛth to demand, receive, and take the ſaid Toll and Duty

in like Manner as if this Act had not been made, any Thing herein contained to the contrary thereof in anywise notwithstanding.

CXXV. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, or in the Execution of the Powers and Authorities, or the Orders or Directions, hereinbefore given or directed, every such Action, Suit, or Information shall be brought and commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be brought, laid, and tried in the County where the Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in all such Actions or Suits may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial or Trials to be had thereupon, and that the same was done in pursuance and by virtue of this Act: And if it shall appear to have been so done, or if such Action, Suit, or Information shall be brought after the Time before limited for bringing the same, or shall be brought or laid in any other County or Place than as aforesaid, that then, and in every or any such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or discontinue his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if upon Demurrer, or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants in every such Case shall have Treble Costs, and shall have such Remedy for recovering the same, as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law. Limitation of Actions. General Issue. Treble Costs.

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

FINIS.