ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CXII.

An Act for making and maintaining a Navigable Canal from the *Worceſter* and *Birmingham* Canal Navigation, in the Pariſh of *King's Norton*, into the Borough of *Stratford upon Avon*; and alſo certain Collateral Cuts from the ſaid intended Canal.

WHEREAS the making and maintaining a Canal, for the Navigation of Boats, Barges, and other Veſſels, from the Worceſter and Birmingham Canal Navigation, in the Pariſh of King's Norton, in the County of Worceſter, into the Borough of Stratford upon Avon, in the County of Warwick, and a Collateral Cut from ſuch intended Canal in the Pariſh of Aſton Cantloe, into the Pariſh of Temple Grafton, in the County of Warwick, and another Collateral Cut from the ſaid intended Canal in the Pariſh of Tanworth, to certain Stone Quarries in the ſame Pariſh, will be of great Benefit and Advantage to all Perſons reſiding or having Eſtates Preamble.

near the Line of such Canal and Cuts, and will be the Means of supplying considerable Parts of the Counties of Warwick and Glouceſter with Coals, at a much cheaper Rate than at preſent; and will open Communications with ſeveral very valuable Mines and Quarries of Building Stone, Flag Stone, Marble, and Lime Stone, and will in other Reſpects be of great Publick Utility: But the ſame cannot be effected without the Aid of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That Henry Earl of Abergavenny, Richard Allen, John Allen, Samuel Aylworth, Ferdinando Babington, Elizabeth Barren, Elizabeth Barke, William Barke, John Barnhurſt, Phebe Bell, Thomas Beach, John Berry, Sarah Bellamy, Samuel Bayliſs, Thomas Biddle, William Biſhop, John Boote, Alexander Boote, Francis Brookes, Ferdinando Bullock, John Burman, Richard Burman, Thomas Burman, Jonas Burbrough, Richard Baker, William Bond, Right Honourable Francis Seymour Conway commonly called Lord Viſcount Beauchamp, William Chambers, Francis Charles, John Checkits, Thomas Conway, Samuel Cooke, Clement Cottrill, Kean Corbett, Michael Corgan, Iſaac Court, Thomas Creſſwell, Edward Bolton Clive, John Frederick Duke of Dorſet, Ann Denniſon, Court Dewes, James Davenport D. D. Thomas Dobbs, James Dolphin, David Dolphin, John Drewe, William Eaves, Richard Eaſt, Thomas Edkins, John Edwards, Philip Evans, James Eyre, Thomas Featherſtone, John Forreſt, William Field, Joſeph Foſter, Norman Fotheringham D. D. Aſhberry Fuller, John Fullerton Clerk, Thomas Gem, Reverend Daniel Gaches, Henry Geaſt, Anthony Gibbs, John Gough, Richard Gough, Iſaac Green, John Grenville, Francis Earl of Hertford, Hardy Spinſter, Joſeph Harding, Judd Harding, William Harding, William Hawkes, Peter Holford, Richard Hill, Thomas Reeve Hobbins, Joſeph Hipkiſs, Job Hobbins, Henry Howard, Thomas Holmes, William Hicks, Charles Henry Hunt, Samuel Oliver Hunt, Reverend John Hunt, Thomas Hunt, Thomas Hunt junior, Henry Hunt, William Hutton, Thomas Hooper M. D. William Hunt, Jervoiſe Clarke Jervoiſe, William James, William James Innholder, Thomas Jenkins, Charles Jenkins, Samuel Jarvis, William Johnſon, Charles Ingram, Iſaac Ingram, William Ingram, James Ingram, Richard Jeſſon, Jonathan Izod,

Proprietors Names.

James Jones, Samuel Johnſon, Edward Townſend Kenwrick D. D. Robert Knight, William Lygon, Reverend John Lucy Clerk, John Lane, Joſeph Lavender, Richard Lea, Henry Greſwold Lewis, Mary Lloyd, William Loggin, George Lloyd, Heneage Legge, Sir John Mordaunt Baronet, Charles Mordaunt, William Marriott, Richard Moland, John Merry, William Mills, John Mills, Matthew Mills, Thomas Mills, Robert Moore, Joſhua Morgan, Chriſtopher Muſgrave, William George Morris, Margaret Nanfan, John Nott M. D. William Oldaker, Other Earl of Plymouth, John Payton, Newſham Peers, William Palmer, William Penn, William Penn Attorney at Law, George Perrott, Andrew Perrott, John Perrott, Thomas Perrott, Charles Peſtell, Ann Porter, John Pountney, Benjamin Parker, Iſaac Pratt, Richard Reeve, Wilſon Ayleſbury Roberts, Wilſon Ayleſbury Roberts junior, William Ruſſell, Thomas Rutton, Sir Edward Smyth Baronet, Thomas Sabin, William Salmon, Thomas Sheldon, Evelyn Shirley, Ann Sacheveral, Samuel Smith, Mary Snape, William Smith, William Southam, Walter Stubbs, Thomas Smith, Sir John Throckmorton Baronet, Thomas Taylor, John Tarleton, John Tilbury, William Tomkins, Gore Townſend, Mary Twamley, William Twamley, Samuel Twamley, James Weſt, Theophilus Walford, John Waring, John Wall, Margaret Webb, Thomas Willmore, William Walford, John Whitmore, Robert Wheler, Robert Wheler junior, John Whittington, Edmund Wigley, and Elizabeth Woollaſton, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as they ſhall nominate and appoint under their Hands and Seals, are and ſhall be united into a Company, for the better carrying on, making, completing, and maintaining the ſaid Navigable Canal and Collateral Cuts paſſable for Boats, Barges, and other Veſſels, according to the Rules, Orders, and Directions hereinafter expreſſed and laid down; and ſhall for that Purpoſe be One Body Politick and Corporate, by the Name of The Company of Proprietors of the *Stratford upon Avon* Canal Navigation, and by that Name ſhall have perpetual Succeſſion; and ſhall have 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 to them and their Succeſſors and Aſſigns, for the Uſe of the ſaid Navigation and Works hereby authoriſed to be made, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain; and the ſaid Company of Proprietors ſhall be, and are hereby authoriſed

Their Stile.

Their Power.

rized and impowered, by themselves, their Agents and Workmen, to make and complete a Canal, navigable and passable for Boats, Barges, and other Vessels, from the Worcester and Birmingham Canal Navigation, now cutting or intended to be cut in the said Parish of King's Norton, through the several Parishes, Townships, and Places of King's Norton and Yardley, in the County of Worcester, and Solihull, Tanworth, Lapworth, Old Stratford, Preston-Bagot, Wootton Wawen, Aston Cantloe, and Wilmcot, in the County of Warwick, to any Place within the Borough of Stratford upon Avon aforesaid; and to make and complete a Collateral Cut, navigable and passable for Boats, Barges, and other Vessels, from the said intended Canal, in the Parish of Aston Cantloe aforesaid, through the several Parishes, Townships, or Places of Billesley Drayton, Old Stratford, and Binton, to any Place within the Parish of Temple Grafton, in the County of Warwick; and also to make and complete another Collateral Cut, navigable and passable for Boats, Barges, and other Vessels, from the said intended Canal in the said Parish of Tanworth, to certain Stone Quarries in the same Parish, and to supply the said Canal and Collateral Cuts, whilst the same shall be making, and when made, from all such Brooks, Springs, Streams, Rivulets, and Watercourses, as shall be found in digging or making the said Canal and Collateral Cuts, or within the Distance of One thousand Yards thereof respectively, or from any Basons and Reservoirs to be made as herein-after mentioned for supplying the said Canal and Collateral Cuts with Water; and the said Company of Proprietors are hereby also impowered, by themselves, their Agents or Workmen, to erect and set up such Engines, or other Machines, for supplying the said Canal and Collateral Cuts with Water, and to make such Basons, Reservoirs, Feeders, Leaders, and also to erect and set up such Engines and other Machines, for supplying the said Canal, Collateral Cuts, Basons, and Reservoirs with Water, and for any other Purposes relating to the said Canal and Collateral Cuts, and to convey Water from any such Basons or Reservoirs to the said Canal and Collateral Cuts, as to them shall seem necessary or proper; and, for the Purposes aforesaid, the said Company of Proprietors, and their Agents and Workmen, are hereby authorized and impowered to enter into and upon the Lands or Grounds of or belonging to the King's Majesty, His Heirs or Successors, or of or belonging to any other Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, or

any

any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said Canal and Collateral Cuts, and all such other Works, Matters, and Conveniencies, as they shall think proper and necessary for effecting, improving, completing, maintaining, and using the said Navigation; and also to bore, dig, cut, trench, sough, get, remove, and lay Earth, Stone, Soil, Clay, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things, which may be got or dug in making of the said Canal and Collateral Cuts, or out of any Lands or Grounds of any Person or Persons adjoining or lying contiguous or convenient thereto, and which may be proper, requisite, or convenient for making, carrying on, continuing, or repairing the said Canal and Collateral Cuts, or which may hinder, obstruct, or prevent the making, using, completing, and maintaining the same, or in making, using, completing, and maintaining of such Reservoirs, Basons, Feeders, and Leaders as aforesaid; and also to make, build, erect, and set up, in or upon the said Canal and Collateral Cuts, or upon the Lands adjoining or near thereto, and to repair, support, vary, or alter, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Weirs, Stanks, Drains, Wharfs, Quays, Landing Places, Weigh Beams, Cranes, Fire Engines, or other Machines, Ways, Rail Ways, Roads, Conveniencies, and other Works, as and where the said Company of Proprietors shall think requisite and convenient for the Purposes of the said Navigation, and for the carrying and conveying of Goods, Commodities, and other Things to or from the said Canal and Collateral Cuts, and for the carrying and conveying of all Manner of Materials necessary for the making, erecting, altering, repairing, or amending the said Works; and also to place, lay, work, and manufacture the said Materials on the Grounds near to the Place or Places where the said Works, or any of them, shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences, Roads, or Passages over, under, or through the said Canal and Collateral Cuts, or the Tunnels, Soughs, Aqueducts, Trenches, Passages, and Sluices respectively which shall communicate therewith, and also such Reservoirs, Feeders, and Leaders as afore-mentioned; and also to make, set up, and appoint such Towing Paths, Banks, and Ways, convenient for towing, haling, or drawing of Boats, Barges, or other Vessels passing upon the said Canal and Collateral Cuts, and to construct, make, erect, and do all other Matters and Things which the said Company

of

of Proprietors shall think necessary and convenient for the making, extending, preserving, improving, completing, and using the said Navigation, in pursuance and within the true Intent and Meaning of this Act, they the said Company of Proprietors doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making Satisfaction, in Manner herein-after mentioned, for all Damages to be sustained by the Owners or Proprietors of, or Persons interested in, such Lands, Tenements, or Hereditaments respectively as shall be taken, used, or prejudiced in or by the Execution of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted.

No Houses, Gardens, &c. to be used or damaged.

II. Provided always, and be it further enacted, That nothing herein-before contained shall authorize or impower the said Company of Proprietors, or any other Person or Persons, to take or use, or to injure or damage any House, or other Building, or any Ground, which, upon the First Day of January One thousand seven hundred and ninety-three, was the Scite of any House or other Building, or a Garden, Yard, Park, Paddock, Planted Walk or Avenue to a House, or a Lawn inclosed or adjoining to a House, without the Consent of the respective Owners and Occupiers thereof, except as herein-after particularly mentioned; (that is to say), a certain Cottage and Garden in the Parish of Tanworth aforesaid, belonging to the Coheirs of the late Lord Archer, in the Occupation of Sarah Bellamy Widow; also a certain other Cottage and Garden in the Parish of Tanworth aforesaid, belonging to the said Coheirs, in the Occupation of Philip Evans; also a certain Orchard in the Parish of Wootton Wawen aforesaid, belonging to William James Innholder, in the Occupation of William Wrighton; also Seven Tenements, with the Buildings, Yards, and Gardens thereto belonging, in the Borough of Stratford upon Avon aforesaid, belonging to Jonas Burborough, in the respective Occupations of Thomas Frisby, Richard Handy, John Hyam, Thomas Pates, Joseph Haines, and Joseph Wright, and One untenanted; and also Two other Tenements, with the Buildings, Yards, and Gardens thereto belonging, situate in the Borough of Stratford upon Avon aforesaid, belonging to Francis Brookes, in the respective Occupations of Thomas Aston and John Russel, which Cottages, Tenements, and Buildings, or any of them, it shall be lawful for the said Company of Proprietors to cause to be taken down, and to

sell, or otherwise dispose of the Materials, as they shall think proper, and it shall be lawful for them to make use of the Scites of such Cottages, Tenements, and Buildings, and the said Yards, Gardens, and Orchards, before particularly mentioned, for the Purposes of the said Navigation, making Satisfaction to the several Owners and Occupiers of, and Persons interested in such Cottages, Tenements, and other Buildings, and in such Yards, Gardens, and Orchards, respectively, for the same, and for the Damage they shall respectively sustain thereby, such Satisfaction, in case of any Dispute concerning the same, to be settled and ascertained by Commissioners, or a Jury, as herein-after directed with respect to other Lands and Hereditaments to be taken for the Purposes of this Act.

Width of the Canal, &c.

III. Provided always, and be it further enacted, That the Land or Ground to be taken or used for such Canal and Collateral Cuts and Towing Paths, or any other Navigable Cut or Towing Path, to be made as herein-after mentioned, and the Ditches, Drains, and Fences to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty Yards in Breadth, except where the said Canal and Collateral Cuts, or any such other Cut, shall be raised higher or cut above Five Feet deeper than the present Surface of the Land, and in such Places where it shall be judged necessary for Boats and other Vessels to turn, lie, or pass each other, nor more than Sixty Yards in Breadth in any Place, nor shall any Land be set out, ascertained, contracted for, and sold, for the Purpose of making any Navigable Cut, Trench, or Sluice to convey Goods or other Things to or from the said Canal and Collateral Cuts, without the Consent of the Owners of such Land, under his, her, or their Hand or Hands, first had and obtained for that Purpose.

Plan and Book of Reference to remain with the Clerks of the Peace.

IV. And whereas a Map or Plan, describing the Lines of the said intended Canal and Collateral Cuts, and the Lands through which the same are intended to be carried, together with a Book of Reference, containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, hath been deposited in the Office of the Clerk of the Peace for each of the Counties of Worcester and Warwick: Be it therefore further enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the Clerk of the Peace for each of the said Counties, and all Persons shall at any seasonable Times have Liberty to inspect and peruse the same, and to make Copies thereof, or Extracts therefrom, at their Will and Pleasure, paying to

the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Two hundred Words of such Copies or Extracts of the Book of Reference; and that the said Company of Proprietors in making the said intended Canal, or either of the said Collateral Cuts, shall not deviate from the Line or Course described in the said Map or Plan in the Lands of Heneage Legge Esquire, within the Parish of Lapworth, or more than One hundred Yards in any other Place, without the Consent in Writing of the Person or Persons through whose Lands such Deviation shall be made; nor shall the said Canal be carried through the Lands of any Person or Persons not named in the said Book of Reference, without the Consent in Writing of such Person or Persons first had and obtained: Provided always, That no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given in making the said Canal and Collateral Cuts, or either of them, on Account of any Error or Omission in the said Book of Reference, in case it shall appear to any Five or more of the said Commissioners, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake, so as that any Variation in, or Deviation from the Line of the said intended Canal, or any of the said Collateral Cuts, as described in the said Map or Plan, shall not, by Reason of any such Error or Omission, be made or carried at any greater Distance than One hundred Yards from the Line so described as aforesaid.

Canal to be carried South of Mr. *Mills's* Mill in *Preston Bagot*.

V. Provided also, and be it further enacted, That in making the said Canal through the said Parish of Preston Bagot, the same shall be made in such Line and Direction, that it shall go on the Southern Side of a certain Corn Mill in the said Parish of Preston Bagot, belonging to William Mills Esquire, now in the Occupation of Newey, and that the same shall not at any Time be diverted or changed to the Northern Side of the same Mill, without the Consent of the Owner or Owners of the said Mill for the Time being respectively, under his or their Hand or Hands, for that Purpose first had and obtained.

To prevent Mr. *Legge's* Lands from being injured by Leakage.

VI. Provided always, and be it further enacted, That the said Company of Proprietors shall and are hereby required, at their own Costs and Charges, to make such Drains and Watercourses within the said Lands of the said Heneage Legge, adjoining to the said Canal, for the Purpose of preventing such Lands from being

being injured by the Leakage of the said Canal, as the said Heneage Legge, or the Owner of such Lands for the Time being, or his principal Agent, shall by Writing under his Hand, to be delivered to the Clerk or Treasurer to the said Company of Proprietors, direct or appoint.

No Water to be taken from certain Rivulets.

VII. Provided also, 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 acting under their Authority, to take or use for supplying the said Canal any Water from or out of the Brooks or Rivers Rea, Cole, and Blyth, or any or either of them, or from and by Means of which the said Rivers or Brooks called Rea, Cole, and Blyth, any or either of them, are or is supplied with Water, or upon any Account or Pretence whatever to divert, alter, or change the Course of any such Rivulet, Brook, Stream, or Watercourse, but that in all Cases, where the intended Canal shall be carried across any such Rivulet, Brook, Stream, or Watercourse, the said Company of Proprietors shall, at their own Expence, make and lay proper Tunnels, Pipes, or Trunks, with the Bore or Cavity thereof of sufficient Dimensions to carry and convey all the Water of such Rivulet, Brook, Stream, or Watercourse, under or over the said Canal, so that the same may run and flow in its usual and common Course, as well when swelled by Rains as at all other Times: Provided nevertheless, That nothing herein contained shall hinder or prevent the said Company of Proprietors from having and taking for the Use and Supply of the said Navigation any Springs which may happen to arise in the Bed of the said Canal and Collateral Cuts, or any of them.

Corporations, &c. impowered to sell Land, &c. for the Purposes of the Act.

VIII. And be it further enacted, That after any Lands, Tenements, or Hereditaments shall be set out and ascertained for making the said Canal and Collateral Cuts, Reservoirs, Basons, and other the Purposes and Conveniences herein-before mentioned, it shall be lawful for all Bodies Politick, Corporate, and Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust for Charities and other Purposes, Committees, Executors, and Administrators, 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 all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for all

all other Persons whomsoever, who are or shall be seised, possessed of, or interested in, any Lands, Tenements, or Hereditaments, which shall be so set out or ascertained as aforesaid, to contract for, sell, and convey unto the said Company of Proprietors, or to such Person or Persons as they shall nominate and appoint, for the Use of the said Navigation, all or any Part of such Lands, Tenements, or Hereditaments which shall from Time to Time be set out and ascertained as aforesaid; and where by making the said Canal the Property of any Land Owner or Land Owners shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politick, Corporate, and Collegiate, and other such Land Owners, by and with the Consent of the Commissioners herein-after mentioned, to be testified by Writing under their Hands and Seals, to contract for, sell, and dispose of, or to convey and 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 Price or Prices in Money, or other Equivalent, as to the said Commissioners shall seem reasonable; and all such Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances, shall be valid and effectual in Law to all Intents and Purposes whatsoever; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, so 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 Copyhold Lands, or any Purchase or Exchange between any such respective Land Owners), shall, at the Expence of the said Company of Proprietors, be inrolled by the respective Clerks of the Peace of the Counties in which such Lands, Tenements, or Hereditaments shall lie, and true Copies thereof, signed by such Clerks of the Peace respectively, shall be allowed to be good Evidence in all Courts whatsoever; for which Inrolment the Clerks of the Peace for the County wherein the same shall be inrolled, shall have and receive the Sum of Sixpence for every Two hundred Words, and so in Proportion for any lesser Number of Words, and no more.

Commissioners.

IX. And be it further enacted, That all Persons seised of Freehold or Copyhold Estates of One hundred Pounds per Annum, within the Counties of Worcester and Warwick, or either of them, and the eldest Son or Heir Apparent

parent of every Person seised of a Freehold or Copyhold Estate of Three hundred Pounds per Annum, within the said Counties, or either of them, and also all Persons residing within the said Counties, or either of them, and having Personal Estates of the Value of Four thousand Pounds, shall be and are hereby appointed Commissioners for the settling, determining, and adjusting all Questions, Matters, and Differences, which shall or may arise between the said Company of Proprietors and the several Proprietors of, and Persons interested in, any Lands, Tenements, or Hereditaments, that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted; and they the said Commissioners are hereby impowered, by Examination of Witnesses upon Oath (which Oath the said Commissioners are hereby authorized to administer), and by any other lawful Ways and Means, by Writing under their Hands and Seals, 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, 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 as aforesaid, for making the said Canal, or any Part thereof, and other the Purposes of this Act, and also to adjust and determine what other distinct Sum or Sums of Money shall be paid by the said Company of Proprietors, as a Recompence for any Damages which may or shall be sustained by such Bodies Politick, Corporate, or Collegiate, or any Persons being Owners of or interested in any Lands, Tenements, or Hereditaments, for or by reason of the making, repairing, or maintaining the said Canal and Collateral Cuts, Reservoirs and Basons aforesaid, or of any of the Works to be done in pursuance of this Act, or by the flowing, leaking, or oozing of the Water over or through the Banks of the said Canal, Collateral Cuts, Reservoirs, Trenches, or Sluices, or over or through any Passages, Gutters, or Watercourses, which shall be made by virtue of this Act, for conveying and communicating Water to or from the said Canal and Collateral Cuts, or either of them, or by turning, diverting, or taking any Brooks, Springs, or Streams of Water into the said Canal and Collateral Cuts, or either of them, or by reason or means of exercising any other of the Powers given by this Act to the said Company of Proprietors, their Agents and Workmen, in case such Price or Value,

Damages and Recompence respectively, cannot be settled, adjusted, and agreed for, by and between the said Company of Proprietors and such Proprietors of, and Persons interested in, the said Lands, Tenements, or Hereditaments as aforesaid; and if the said Company of Proprietors, 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 their Determination therein, and if any such Body Politick, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons entitled or interested as aforesaid, shall refuse to receive, upon 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 Body Politick, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of such Lands, Tenements, or Hereditaments, for the Space of Ten Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company of Proprietors concerning the same, then, and in every such Case, the said Commissioners shall, and they are hereby impowered and required from Time to Time to issue a Warrant, under their Hands and Seals, to the Sheriff of the County in which the Matter shall arise, 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 Office or Place of Trust or Profit under them, or shall be interested in the Matter in Question, then to the Coroner of the said County, not interested as aforesaid, commanding such Sheriff or Coroner respectively to impannel, summon, and return a Jury, and the said Sheriff or Coroner respectively is hereby required accordingly 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 joined in His Majesty's Courts at Westminster, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, not being less than Nine nor more than Twenty Days after such Warrant shall be served upon the said Sheriff or Coroner respectively; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent

Men

Men of the Standers-by, or that can speedily be procured to attend that Service, qualified as aforesaid, to make up the said Jury to the Number of Twelve; 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 are hereby impowered to summon and call before them all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matters in Question; and the said Commissioners may order and 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 Oaths (which Oaths, and also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners 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, Tenements, or Hereditaments, and the Recompence to be made for the Damages that may or shall be sustained as aforesaid; and the said Commissioners shall give Judgement for such Purchase Money, Rent, or Recompence so to be assessed by such Jury; which said Verdict, and the Judgement thereupon pronounced as aforesaid, shall be signed by the said Commissioners, and shall be binding and conclusive, to all Intents and Purposes, against the King's Majesty, His Heirs and Successors, and against all Bodies Politick, Corporate or Collegiate, and all Persons whomsoever.

Compensation to be made for Tythes.

X. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tythes, both great and small, of the Lands which shall be taken or made use of by them for the Purposes of this Act, to the several Persons entitled to such Tythes, according to their respective Interests therein, such Tythes to be estimated at the Value they were of immediately before the passing of this Act, such Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any other Lands or Hereditaments are herein-before directed to be ascertained.

Penalties on Sheriff, &c. making Default.

XI. And be it further enacted, That if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premises, every such Person shall for every such Offence forfeit the Sum of Twenty Pounds, and if any Person so summoned and returned as aforesaid upon any such Jury, shall not appear, or shall in any Manner wilfully neglect his Duty, contrary to the true

Intent

Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn, or examined, or to give Evidence, every Person so offending respectively, having no reasonable Excuse, to be allowed by the said Commissioners, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant under the Hands and Seals of the said Commissioners, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering the Overplus (if any) to the Owner thereof, after such Penalty, and the Charges of such Distress and Sale, shall be deducted.

Expences of Jury.

XII. Provided always, and be it further enacted, That in all Cases where a Verdict shall be given for more Money, as a Recompence or Satisfaction for any Lands, Tenements, or Hereditaments, or for any Damage to be done to the Lands, Tenements, Hereditaments, or Property of any Person or Persons, than had been previously offered by or on Behalf of the said Company of Proprietors, or than had been determined and assessed by the said Commissioners, that then all the Expences of summoning such Jury, and of taking such Inquest, 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, or a less Sum than had been previously offered by or on Behalf of the said Company of Proprietors, or than had been determined and assessed by the said Commissioners as aforesaid, then, and in every such Case, the Costs and Expences of summoning such Jury and taking such Inquest, (to be settled by the said Commissioners as aforesaid), shall be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have had such Controversy or Dispute.

Persons requesting a Jury, to enter into Bond to prosecute.

XIII. Provided also, and be it further enacted, That all and every Person or Persons requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their Warrant for the summoning such Jury as aforesaid, first enter into a Bond, with Two sufficient Sureties, to the Treasurer to the said Company of Proprietors, in the Penalty of Fifty Pounds, conditioned to bear and pay the Costs and Expences of summoning such Jury and taking such Inquest, in case a Verdict shall be given for the same or a less Sum than had been offered by or on Behalf of the said Company of Proprietors, or than had been assessed by the said Commissioners before the summoning and returning the said Jury, as a Recompence or Satisfaction for any Lands,

Tenements, or Hereditaments, or for any Damages as aforesaid.

Notice of Injury to be given to the Proprietors before Complaint.

XIV. Provided also, and be it further enacted, That the said Commissioners, or any of them, shall not be obliged to receive or take Notice of any Complaint to be made by any Person or Persons, for any Injury or Damage by him, her, or them sustained or supposed to be sustained as aforesaid, unless Application be made in relation thereto, by or on Behalf of such Person or Persons, to the said Company of Proprietors, or to their Clerk or Treasurer, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Verdicts to be recorded.

XV. And be it further enacted, That all the Determinations of the said Commissioners, which shall be submitted to and acquiesced in by the Parties concerned, and also the Verdicts of the Juries, and the Judgements of the said Commissioners thereon as aforesaid, shall be transmitted to and kept by the respective Clerks of the Peace, amongst the Records of the Quarter Sessions of the Peace for the Counties of Worcester and Warwick, as the Case may happen, and the same, or true Copies thereof, 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 are hereinbefore mentioned, paying for each Inspection the Sum of One Shilling, and no more, and to take Copies thereof, paying for every Copy, not exceeding Two hundred Words, the Sum of Sixpence, and so in Proportion for any Number of Words; and 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 adjudged by the said Commissioners, or assessed by a Jury as aforesaid, for the Purchase of any such Lands, Tenements, or Hereditaments as aforesaid, to the Proprietors thereof, or other Persons entitled to receive such Money or Rent respectively, or legal Tender thereof made to such Proprietors or Persons, or to the Principal Officer or Officers of any such Body Politick, Corporate or Collegiate, or if such Proprietors or Persons cannot be found, or shall refuse to accept such Money or Rent, then upon Payment thereof to such Person or Persons as the said Commissioners shall, by Writing under their Hands, appoint, for the Use of, and to be paid upon Demand, without Fee or Reward, to such Proprietors or Persons respectively as aforesaid, such

On Payment or Tender of Monies, Lands may be entered.

such Lands, Tenements, and Hereditaments, and all the Estate, Right, Title, Interest, Use, Trust, Property, Benefit, Claim, and Demand whatsoever, in Law and Equity, of the Persons for whose Use such Money or Rent shall be paid or ascertained, as aforesaid, in, to, and out of the same, shall vest in the said Company of Proprietors, and they shall respectively be deemed in Law to be in the actual Possession and Seisin thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same to them by Lease and Release, Bargain and Sale inrolled, Feoffment with Livery of Seisin, Fine and Recovery, or any other legal Conveyance whatsoever; and such Payment shall not only bar all Right, Title, Interest, Claim, and Demand of the Persons to whose Use such Payment shall be made, but also shall bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates and Interests, in Reversion and Remainder therein, against the Issue of every such Person, and against all other Persons whomsoever, as effectually as a Fine and Recovery, or either of them, would do if levied or suffered by the proper Parties in due Form of Law.

Until Satisfaction made, the Company not to cut any Lands.

XVI. Provided always, That until such Payment, Security, or Tender shall be made, it shall not be lawful for the said Company of Proprietors to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security, for the Purpose of making the said Canal and Collateral Cuts, or any Part thereof.

Damage to Mr. *Legge*'s Lands to be ascertained by a Land Surveyor.

XVII. Provided also, and be it further enacted, That nothing in this Act contained shall authorize or impower the said Commissioners, or any Jury to be summoned in pursuance thereof, to enquire into, ascertain, or determine the Value of any of the said Lands of the said Heneage Legge, to be taken or used, or of the Damage to be done to any such Lands by virtue of this Act, but that the Value of such Lands or Damage, and the Recompence to be made for the same, either by Payment of a Sum of Money in Gross, or by Payment of an Annual Rent, at the Option of the said Heneage Legge, or of the Owner of the said Lands for the Time being, shall be settled and ascertained by Samuel Wyatt, of Burton upon Trent in the County of Stafford, Land Surveyor, or such other skilful and able Land Surveyor as the said Heneage Legge, or the Owner of the said Lands belonging to him as aforesaid, shall by Writing under his Hand direct or appoint for that Purpose, any

Thing

Thing in this Act to the contrary hereof notwithstanding.

Purchase Money to be laid out to same Uses.

XVIII. 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 Person or Persons whose Lands or Estates are limited in strict Settlement, for the Purchase or Exchange of any Lands, Tenements, or Hereditaments as aforesaid, shall 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 seised of Lands or Estates so limited in strict Settlement, be laid out, as soon as conveniently may be, in the Purchase of Lands, Tenements, or Hereditaments in Fee Simple, and conveyed to, or to the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or to or for such other Person or Persons, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, or Hereditaments, for or in respect whereof such Money shall be paid, were limited, settled, and assured, at the Time such Money was so agreed for, ascertained, or assessed, respectively as aforesaid, or so many of such Uses as shall be then existing and 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 shall be made, the said Monies shall be placed out 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, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two Persons, the One to be nominated by the Parties interested therein, and the other by the said Commissioners; and the Interest arising or to be produced from any such Funds or Securities, and also the Annual Rent for such Lands, Tenements, or 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, in case the same were purchased and settled pursuant to the Tenor and true Meaning of this Act.

Commissioners to settle Proportions to be paid, &c.

XIX. And be it further enacted, That the said Commissioners may, and they are hereby impowered to settle what Shares and Proportions of such Purchase Money, or Recompence for Damages as aforesaid, shall be allowed to any Tenant or other Person having a particular Estate, Term, or Interest in the Premises, for his or her Interest therein.

Satisfaction for Lands to be made in Gross, or by Annual Rent.

XX. Provided always, and be it further enacted, That such Annual Rents or Sums as shall be agreed upon or settled and ascertained as aforesaid, shall be charged on the Rates herein-after granted to the said Company of Proprietors, and shall be paid by them, as the same shall become due and payable; and in case any such Annual Rents or Sums shall not be paid within Twenty-one Days next after the same shall respectively become due and payable, it shall be lawful for the said Commissioners, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive the said Rates, and to pay the same to such Person or Persons to whom such yearly Rents or Sums shall be due, the said Commissioners taking such Security from every such Collector, for the due and faithful Execution of his Office, as they shall judge proper and sufficient; and every Person so appointed shall be deemed a Collector of the said Rates, and shall have the like Power and Authority for collecting the same, as if he had been appointed a Collector of the said Rates by the said Company of Proprietors, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving thereof, shall be fully satisfied and paid, or such Person or Persons, to whom such yearly Rents or Sums shall be due and owing, may sue for and recover the same, with Costs of Suit, by Action of Debt, in any of his Majesty's Courts of Record at Westminster; or otherwise it shall be lawful for such Person or Persons, and he and they is and are hereby impowered, to seize and distrain any Boats, Vessels, or other Goods or Effects of the said Company of Proprietors, which shall be found on the said Canal or Collateral Cuts, or in, upon, or about the Wharfs, Quays, Warehouses, or other Works belonging thereto, and to detain the same until Payment thereof, together with the reasonable Charges attending such

How same may be recovered.

Distress;

Distress; and if such Distress shall not be redeemed within Five Days after such Distress made, and Notice thereof given in Writing, by affixing such Notice on some publick Place, at any of the Wharfs or Quays belonging to the said Navigation, then such Boats, Vessels, or other Goods or Effects so distrained, shall and may be appraised and sold in such Manner as the Law directs in case of Distress for Rent.

Preserving Copyhold Rights.

XXI. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands, Tenements, or Hereditaments, which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the Courts of the Manors whereof the same are held, according to the Custom of such Manors respectively, and shall remain, continue, and be 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.

Penalty on destroying the Works.

XXII. And be it further enacted, That if any Person shall wilfully, maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Banks or other Works to be erected and made by virtue of this Act, every such Person shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person shall be tried, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment, such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Proprietors may raise 120,000 *l.* to carry on the Work.

XXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for the making and completing the said Canal and Collateral Cuts, and the Reservoirs, Feeders, Quays, Quays, Wharfs, and other Works and Conveniences to the same belonging or requisite, not exceeding in the Whole the Sum of One hundred and twenty thousand Pounds (except as herein-after mentioned), and that the same be divided into such Number of Shares as hereafter directed, at a Price not exceeding One hundred Pounds per Share; and that no Person subscribing thereto, or becoming a Proprietor in such Navigation, do become a Proprietor of less than One Share, or more than Twenty Shares, either in his own

own Name, or in the Name of any other Person in Trust for him (except the same shall come to him by Will, or Act in Law), upon Pain of forfeiting to the said Company of Proprietors all such Shares so exceeding Twenty Shares as aforesaid; and the Money so to be raised is hereby directed to be laid out and applied, in the first Place, for and towards the Payment, Discharge, and Satisfaction of all Fees and Disbursements for obtaining and passing this Act, and the making the Surveys, Plans, and Estimates incident thereunto, and all other Expences relating to the same; and all the Residue of such Money for and towards the making, completing, and maintaining the said Canal and Collateral Cuts, and other the Purposes of this Act, and to or for no other Use, Intent, or Purpose whatsoever.

Expences of the Act, Estimates, &c. to be First paid.

The Money to be raised to be divided into 1,200 Shares.

XXIV. And be it further enacted, That the said Sum of One hundred and twenty thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, and by such other Person or Persons who shall or may, at any Time within Six Calendar Months from the Twenty-fourth Day of June One thousand seven hundred and ninety-three, become a Subscriber or Subscribers to the said Navigation, shall be divided into One thousand two hundred equal Shares, at a Price not exceeding One hundred Pounds per Share; and that the Shares shall be deemed to be Personal Estate, and shall be transmissible as such, and not of the Nature of Real Estate; and that the said One thousand two hundred Shares shall be, and they are hereby vested in the said several Subscribers, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Behoof, proportionably to the Sum they shall severally subscribe and pay thereunto; and all Bodies Politick and Corporate, and other 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 One thousand two hundredth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the several Sums of Money to be raised, recovered, or received, by virtue of this Act, and so in Proportion for any greater Number of Shares, not exceeding Twenty Shares to any One Person as aforesaid; and every Body Politick and Corporate, and

Shares to be deemed Personal Estate.

every

every other Person, having such Property of One One thousand two hundredth Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate and proportional Sum of Money towards carrying on the said Undertaking, in Manner hereinafter directed.

If 120,000*l.* not sufficient, Power to raise more by Calls upon themselves.

XXV. And be it further enacted, That in case the said Sum of One hundred and twenty thousand Pounds herein-before authorized to be raised, shall be found insufficient for the making, completing, and maintaining the said Canal and Collateral Cuts, and other the Works hereby authorized to be made, and all necessary Charges and Expences relating thereunto, then, and in such Case, it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in Manner and Form aforesaid, any further or other Sum of Money, for the Purposes aforesaid, not exceeding the Sum of Sixty thousand Pounds, which said Sum not exceeding Sixty thousand Pounds shall be raised by Calls upon the said Company of Proprietors possessed of the said One thousand two hundred Shares, as aforesaid, which said One thousand two hundred Shares, and the Owners thereof, are hereby declared to continue to be, in respect of the said Sum not exceeding Sixty thousand Pounds, or such Parts thereof as shall be wanted, under and subject to such and the same Calls to be made by the said Company of Proprietors, or the Committee thereof, in such and the same Proportions, and within such and the same Time, and under and subject to such and the same Regulations, Rules, Orders, Fines, and Forfeitures; as the said One thousand two hundred Shares, and the Persons making Default in Payment thereof, are hereinafter subject and liable to, in respect of the said Sum of One hundred and twenty thousand Pounds.

Power to raise the 60,000*l.* by Mortgage.

XXVI. Provided always, and be it further enacted, That in case the said Company of Proprietors shall be desirous of raising the said Sum, not exceeding Sixty thousand Pounds herein-before authorized to be raised, or any Part thereof, by Mortgage of the said Undertaking, it shall be lawful for the said Company of Proprietors, by an Order of General Assembly, to borrow and take up at Interest the said Sum, not exceeding Sixty thousand Pounds, or any Part thereof, upon the Credit of the said Undertaking, as to them shall seem fit and convenient; and the said Company of Proprietors, and their Committee for the Time being, after an Order of General Assembly made as aforesaid, are hereby fully authorized and impowered to assign the Property of the said Navigation, and the Rates granted by this Act, to the

said Company of Proprietors, or any Part thereof, as a Security for the Money so to be borrowed, with Interest for the same, to such Person or Persons who shall advance the same, or his, her, or their Trustee or Trustees; all which said Assignments shall be made under the Common Seal of the said Company, according to the Form following; (that is to say);

Form of Assignment.

BY virtue of an Act of Parliament, made in the Thirty-third Year of the Reign of King *George* the Third, intituled [*Insert the Title of the Act*], we, the Company of Proprietors of the said Navigation, in Consideration of the Sum of to us paid by *A. B.* do hereby bargain, sell, and transfer unto the said *A. B.* his Executors, Administrators, and Assigns, the said Navigation, and all and singular the Rates granted to us by the said Act, and all our Right and Interest therein respectively, to hold unto the said *A. B.* his Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same after the Rate of for One hundred Pounds by the Year, shall be fully paid and satisfied. Given under our Common Seal, this Day of

And all Persons, to whom such Assignments shall be made, shall be equally entitled, one with the other, to the Rates and Premises thereby assigned, in Proportion to the Sums by them respectively advanced and paid as aforesaid, without any Preference by reason of the Priority of Date or otherwise; and a Memorial of every such Assignment, containing the Date, the Name or Names of the Person or Persons to whom made, the Sum lent, with the Rate of Interest, shall be entered in a Book to be kept by the Clerk to the said Company of Proprietors; which said Book shall and may be perused gratis, at all seasonable Times, by all and every the Proprietors and Creditors of the said Navigation; and all and every Person and Persons to whom any such Assignment shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right and Interest therein to any Person or Persons whomsoever; which Transfer shall and may be made according to the Form following:

Assignments may be transferred.

Form of Transfer.

I *A. B.* do hereby transfer a certain Mortgage made by the Company of Proprietors of the *Stratford upon Avon* Canal Navigation, to bearing Date the Day of

for ſecuring the Sum of and Intereſt, and all my Right and Property therein, to *C. D.* his Executors, Adminiſtrators, and Aſſigns. Dated this Day of

And every ſuch Transfer ſhall, within Twenty-eight Days next after the Date thereof, be produced to the Clerk to the ſaid Company of Proprietors, who ſhall cauſe a Memorial to be made thereof, to the ſame Purport and Effect as the original Aſſignment; and after ſuch Entry made, every ſuch Transfer ſhall entitle ſuch Aſſignee or Aſſignees, his, her, and their Executors, Adminiſtrators, and Aſſigns, to the full Benefit thereof.

Intereſt upon Mortgages to be paid prior to Dividends.

XXVII. And be it further enacted, That the Intereſt of the Money which ſhall be borrowed as aforeſaid, ſhall be paid half-yearly to the ſeveral Perſons intitled thereto, in Preference to any Intereſt or Dividends due and payable by virtue of this Act to the Proprietors of the ſaid Undertaking, and ſhall be fully diſcharged or provided for before the yearly or other Intereſt or Dividends due to the ſaid Proprietors ſhall be paid.

Subſcribers to have a Vote for every Share.

XXVIII. And be it further enacted, That every Body Politick or Corporate, and other Perſon, who ſhall, by virtue of this Act, have ſubſcribed for or become entitled to One Share in the ſaid Navigation, ſhall be deemed a Proprietor for ſuch Share, and ſhall have a Vote in every General Aſſembly, to be held as herein-after appointed, for carrying on the ſaid Undertaking, which may be given by him, her, or them, or by his, her, or their Proxy or Proxies, duly conſtituted under his, her, or their Hand and Seal or Hands and Seals; and every ſuch Vote by Proxy ſhall be as good, to all Intents and Purpoſes, as if ſuch Principal or Principals had voted in Perſon; and any Body or Bodies Politick or Corporate, Perſon or Perſons, who ſhall have more than One ſuch Share, and not exceeding Twenty Shares (except as aforeſaid) ſhall have Liberty by him, her, or themſelves, or by his, her, or their Proxies regularly conſtituted as aforeſaid, to give One Vote for every ſuch Share for which he, ſhe, or they ſhall be a Subſcriber or Subſcribers, or become a Proprietor or Proprietors as aforeſaid; and every Queſtion, Matter, or Thing which 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 to every Share; provided that no Perſon ſhall give or deliver more Proxies than for Five abſent Proprietors.

General Assemblies for choosing Committees.

XXIX. And be it further enacted, That the Company of Proprietors shall hold One General Assembly in every Year, for carrying the Purposes of this Act into Execution, the First of which General Assemblies shall be holden at the White Lyon Inn, in the Town of Stratford upon Avon aforesaid, on Monday the Twenty-second Day of July One thousand seven hundred and ninety-three, and all the future General Assemblies shall be holden on the Twenty-fourth Day of June in every Year, or on some Day within Seven Days after, which shall be fixed at the preceding General Assembly, and at such Place as shall be then agreed upon; and all such General Assemblies shall be holden at or before Eleven of the Clock in the Forenoon of the said respective Days; at which said General Assemblies the Proprietors assembled, together with such Proxies as shall be then present, shall choose Fifteen Persons, who are for the Time being Proprietors of Five or more Shares in the said Navigation, to be a Committee to manage the Affairs of the said Company, in such Manner as is herein-after directed, and as shall from Time to Time be ordered by such General Assemblies as aforesaid; but if at any Time it shall appear to any Ten or more of such Proprietors, that, for the more effectually putting this Act into Execution, a Special Assembly of Proprietors is necessary to be held, it shall be lawful for such Ten or more of them to cause Notice to be given thereof in the Worcester and Birmingham Newspapers, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct or appoint, declaring in such Notice the Place where and the Time when such Special Assembly is to be held, the same being not less than Ten Days after such Notice given, and likewise specifying in every such Notice the Reason for and Intention of such Special Assembly; and the Proprietors are hereby authorized to meet pursuant to such Notice, and to proceed to the Execution of this Act, with respect to the Matters so specified only; and all such Acts of the said Proprietors, or the major Part of them, assembled at such Special Assemblies, shall be as valid, to all Intents and Purposes, as if the same were done at General Assemblies, held in Manner herein-before appointed.

Committee to be under the Controul of the General Assembly.

XXX. Provided always, That such Committee shall from Time to Time be subject to the Examination and Controul of the said General and Special Assemblies of the said Proprietors as aforesaid, 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

the said Proprietors, at any such General or Special Assembly, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Persons disqualified from serving on Committees.

XXXI. Provided also, That no Person holding any Place, Office, or Employment under the said Company of Proprietors, shall be capable of being chosen to serve upon Committees during the Time of his or her Continuance in such Place, Office, or Employment.

Books of Account to be kept, under Direction of Committee.

XXXII. And be it further enacted, That proper Books of Accounts, relating to the said Undertaking, shall be kept; and all such Books, and all other Matters relating to such Accounts, shall be deposited and kept under the Direction of the Committee for the Time being, at such Place or Places as the said Company of Proprietors shall from Time to Time direct; and every Proprietor shall, at all seasonable Times, have free Access to such Books, and may inspect and peruse the same without Fee or Reward.

General Assemblies to consist of 300 Shares.

XXXIII. Provided always, That if at any such General Assembly there shall not be Persons present who have Three hundred such 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 General Assembly of the said Proprietors, at the same Place, upon that Day Three Weeks, and such Choice shall be then made of Persons to be of the Committee, as ought to have been made on the Day herein-before appointed, had there been a sufficient Number of Voters present; and the other Persons then chosen to be of the said Committee shall have the same Power which they would have had, and shall 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 the Persons having Three hundred Votes, as Principals or Proxies, at such first mentioned General Assembly, the whole Number of Principals who shall not be present at such Second General Assembly, by themselves or their Proxies, shall forfeit to the said Company of Proprietors, for every such Share which they shall then have in the said Navigation or Undertaking, the Sum of One Shilling, to be deducted out of the next Payment of Interest, or out of the next Dividend of the Profits of the said Navigation, as the Case may happen.

Power of General Assemblies.

XXXIV. And be it further enacted, That every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money laid out and disbursed on Account of the said Navigation, with the Treasurer, Receivers,

Receivers, and other Officers to be by them appointed, or any other 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 from Time to Time, and from Place to Place, as shall be thought convenient by the Persons entitled to a Majority of Votes, in Manner aforesaid; and every General Assembly, or such Committee as aforesaid, shall have Power from Time to Time to make such Call or Calls for Money from the Proprietors of the said Navigation, to defray the Expences of, or to carry on the same, as they shall from Time to Time find necessary for those Purposes, so that no Call do exceed the Sum of Five Pounds for every One hundred Pounds, and so as no Calls be made but at the Distance of One Calendar Month at least from each other; which Monies so called for shall be paid to such Person or Persons, and in such Manner, as the said General Assembly or Committee shall from Time to Time appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next General Assembly to be holden in Manner aforesaid, have full Power and Authority to direct and manage all the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands and Materials for the Use of the said Navigation, as in employing, ordering, and directing the Work and Workmen, and in placing and displacing Officers, Clerks, Agents, and Workmen, and in making Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter be done or transacted without the Concurrence of Five or more of the said Committee then assembled; and every Owner of One or more Share or Shares in the said Undertaking shall pay his or her Share and Proportion of the Money to be called for as aforesaid, at such Time and Place as shall be appointed, of which Thirty Days Notice at least shall be given by publishing the same in the Worcester and Birmingham Newspapers, or in such other Manner as the said Company of Proprietors shall direct or appoint; and if any Person shall neglect or refuse to pay his or her rateable or proportionable Share of the said Money to be called for as aforesaid, at the Time and Place appointed by any General Assembly or Committee, he or she so neglecting or refusing shall forfeit a Sum not exceeding Five Pounds, for every One hundred Pounds of his or her Share, Part, and Interest in the said Navigation and Undertaking; and in case such Person shall neglect or refuse to pay his or her rateable Calls as aforesaid, for the Space of Three Ca-

lendar Months after the Time appointed for Payment thereof as aforesaid, then he or she so neglecting or refusing shall forfeit his or her Share, Part, and Interest in the said Undertaking, and all Profit and Advantage thereof, to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all such Forfeitures shall be sold at a publick Sale by the said Company of Proprietors, for the most Money they can get for the same, and the Produce thereof shall be equally divided amongst the rest of the Company of Proprietors, in Proportion to their respective Shares and Interests in the said Navigation and Undertaking: Provided always, that no Advantage shall be taken of the Forfeiture of any Share of the said Navigation and Undertaking, until Personal Notice in Writing be given by the Treasurer or Clerk of the said Company of Proprietors, to the Owner thereof, nor unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, to be held within Three Calendar Months next after such Forfeiture shall happen; and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor so forfeiting, against all Actions, Suits and Prosecutions for any Breach of Contract or other Agreement between such Proprietor so forfeiting, and the rest of the Proprietors, with regard to carrying on the said intended Navigation and Undertaking.

Subscribers to have Notice before they forfeit their Shares.

XXXV. And be it further enacted, That the said Company of Proprietors shall have Power and Authority to remove and displace any Person and Persons chosen upon such Committee as aforesaid, or any Officer or Servant under them, and to revoke, alter, amend, or change any of the Rules and Directions herein-before prescribed and laid down with regard to their Proceedings among themselves, as to them shall seem meet, the Method of calling General Assemblies, and their Time and Place of meeting and of voting, and appointing Committees, only excepted.

General Assemblies may remove Committee-men or Officers.

XXXVI. Provided always, and be it further enacted, That if the Proprietor of any Share in the said Undertaking shall die before Payment shall have been made of the full Sum to be advanced on each Share which he or she shall have been possessed of or entitled to, without having made Provision by Will or otherwise for the Payment of the same, then, and in such Case, the Executors and Administrators of such Proprietor, and the Trustee or Trustees, Guardian or Guardians of any Infant, or other Person entitled to the Estate or Effects of such

Proprietors dying before Shares compleated, Executors may complete the Payment.

Proprietor, shall be indemnified against such Infant, and all other Persons whomsoever, for paying any Sum or Sums of Money, when called for as aforesaid, to complete every such Subscription; and if such deceased Proprietor shall not have left Assets sufficient, or in case any such Executor or Administrator, Trustee or Guardian, shall refuse or neglect to answer such Calls and Payments, the said Company of Proprietors shall be and are hereby impowered and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Proprietor, 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 Proprietor, or the Trustee or Trustees, Guardian or Guardians of any Infant, or others entitled to his or her Effects, the full Money which shall have been paid by such deceased Proprietor in his or her Life-time, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or so much Money as the same can be sold for.

Shares may be disposed of.

XXXVII. And be it further enacted, That it shall be lawful for any of the Proprietors of the said Navigation and Undertaking to sell or dispose of any Share or Shares he, she, or they shall and may be entitled to therein, in Manner and subject to the Rules and Conditions herein mentioned; and for that Purpose Duplicates of the Deed of Bargain and Sale, or Transfer of such Share or Shares, shall be executed by every Vendor and Vendee; and One Part thereof, so executed, shall be delivered to the said Committee, or their Clerk, to be filed and kept for the Use of the said Company of Proprietors, and an Entry thereof shall be made in a Book or Books to be kept 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 the Duplicate of such Deed or Transfer shall be so delivered to the said Committee, or the Clerk, as aforesaid, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation and Undertaking, nor any Interest paid him, her, or them, for and in respect of such Share or Shares so purchased, nor be entitled to vote as a Proprietor or Proprietors of the said Undertaking: Provided always, that after any Call of such Money shall be made by a General Assembly, or such Committee as aforesaid, no Person shall sell or transfer any Share, which he or she shall then have in the said Navigation and Undertaking, until the Money called for upon his or her Share or Shares so to be sold shall be paid; and every

After a Call no Share to be sold till the Money paid.

Person

Perſon making Default herein ſhall forfeit his or her Share or Shares in the ſaid Navigation and Undertaking to the ſaid Company of Proprietors, for the Benefit of the reſt of the ſaid Proprietors, (unleſs the Perſon or Perſons who ſhall be Vendor or Vendors ſhall, at the Time of ſuch Sale or Transfer, pay the Money called for upon every Share ſo ſold or transferred, to the Treaſurer to the ſaid Company of Proprietors), ſuch Forfeiture having been firſt notified and declared at a General Aſſembly, in Manner above directed.

XXXVIII. And be it further enacted, That every Transfer of the ſaid Shares ſhall be according to the Form following:

Form of Transfer of Shares.

I *A. B.* in Conſideration of paid to me by *C. D.* do hereby bargain, ſell, and transfer to the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, Share in the *Stratford upon Avon* Canal Navigation, to hold to the ſaid *C. D.* his 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 hereby agree to accept of the ſaid *A. B.*'s Share, ſubject to the ſame Rules, Orders, and Conditions.

Witneſs our Hands and Seals, the
Day of

Officers to be appointed.

XXXIX. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and required from Time to Time to nominate and appoint a Treaſurer or Treaſurers, and a Clerk or Clerks to the ſaid Company, and to take ſuch ſufficient Security for the due Execution of their reſpective Offices, as the ſaid Company of Proprietors ſhall think proper, and from Time to Time to remove any ſuch Treaſurer or Clerk, and appoint another Perſon in his Place and Stead; which ſaid Clerk or Clerks ſhall, in a proper Book to be provided for that Purpoſe, enter and keep a true and perfect Account of the Names and Places of Abode of the ſeveral Proprietors of the ſaid Navigation and Undertaking, and of the ſeveral Perſons who ſhall from Time to Time become Owners and Proprietors, or entitled to any Share or Shares therein, and of all the other Acts, Proceedings, and Tranſactions of the ſaid Company of Proprietors, and of the ſaid Committee, in the Execution of this Act; and that each of the ſaid Proprietors of the ſaid Navigation ſhall and may, at

Treaſurer, &c. to give Security.

at all convenient Times, have Recourse to and peruse and inspect the same, and also the Book to be kept by the Clerk to the said Commissioners, gratis, and may demand and have Copies thereof, or any Part thereof, paying Sixpence for every Two hundred Words so to be copied; and if any such Clerk shall refuse to permit any of the said Proprietors to inspect or peruse such Book, or refuse to make any such Copy at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds; and whenever any such Clerk or Treasurer shall die, or be removed from or quit the Service of the said Company of Proprietors, it shall be lawful for the said Committee, or any Nine or more of them, to appoint some other fit Person in the Place of the Treasurer or Clerk so dying, being removed, or quitting the Service of the said Company of Proprietors, until the then next General Assembly, when such Appointment shall be confirmed, or another Treasurer or Clerk shall be nominated and appointed in his Stead.

Proceedings of Commissioners to be entered.

XL. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book to be kept for that Purpose, and such Entries (being signed by such Number of the said Commissioners respectively as are impowered by this Act to make such Orders or carry on such Proceedings) shall be deemed Originals, and admitted as Evidence in all Courts whatsoever; and the said Commissioners may, and they are hereby required, at the First Meeting to be held by them as aforesaid, to appoint, out of Three Persons to be nominated by the said Company of Proprietors, such of the said Three Persons as they the said Commissioners shall think proper, to be their Clerk, and from Time to Time remove any such Clerk, and appoint another in his Stead out of the Three Persons to be again nominated as aforesaid; which Clerk shall be paid, for his Care and Trouble in the Execution of such Office, by the said Company of Proprietors.

Rates.

XLI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, and at all Times hereafter, to ask, demand, take, and recover, to and for their own proper Use and Behoof, for the Tonnage and Wharfage of all Goods and other Things which shall be navigated, carried, or conveyed upon or through the said Canal and Collateral Cuts, or any of them, such Rates as they shall think proper, not exceeding the several Sums herein-after mentioned; (that is to say),

For the Tonnage and Wharfage of all Coal, Coak, Iron, Iron Stone, Timber, and other Goods and Things which shall be navigated, carried, or conveyed upon any Part of the said Canal and Collateral Cuts, or any of them, (except Flag Stone upon such Part of the said Canal as shall lie between Salters Lane, in the Parish of Aston Cantloe, and the said Borough of Stratford upon Avon, and upon the said Collateral Cut to be made into the Parish of Temple Grafton, and except Coal, for the Purpose of burning Lime, upon any Part of the said Canal between Salters Lane aforesaid, and a Place called Copnals Hill, in the Parish of Old Stratford, or upon the said Collateral Cut to be made into the Parish of Temple Grafton, and also except Lime and Lime Stone), the Sum of One Penny Halfpenny per Ton per Mile, and so in Proportion for any Distance less than a Mile, and for any Quantity less than a Ton:

For the Tonnage and Wharfage of all Lime and Lime Stone navigated, carried, or conveyed upon any Part of the said Canal between the Worcester and Birmingham Canal, and Salters Lane aforesaid, or upon the said Collateral Cut to be made into the Parish of Tanworth as aforesaid, the Sum of One Halfpenny per Ton per Mile, and so in Proportion for any Distance less than a Mile, and for any Quantity less than a Ton:

For the Tonnage and Wharfage of all Lime and Lime Stone which shall be navigated, carried, or conveyed upon any Part of the said Canal between Salters Lane aforesaid, and the said Borough of Stratford upon Avon, or upon the said Collateral Cut to be made into the Parish of Temple Grafton aforesaid, the Sum of One Penny Halfpenny per Ton, and so in Proportion for any less Quantity than a Ton, without any Regard to the Distance the same shall be so navigated, carried, or conveyed:

For the Tonnage and Wharfage of all Flag Stones, and Coal for the Purpose of burning Lime only, which shall be navigated, carried, or conveyed upon any Part of the said Canal between Salters Lane aforesaid, and Copnals Hill aforesaid, or upon the said Collateral Cut to be made into the said Parish of Temple Grafton, the Sum of Four-pence per Ton, and so in Proportion for any less Quantity than a Ton, without Regard to the Distance the same shall be so navigated, carried, or conveyed.

Recovery of Rates.

XLII. And be it further enacted, That the several Rates herein-before authorized to be demanded and taken shall be paid to such Person or Persons, at such Place or Places near to the said Canal and Collateral Cuts, or any of them, in such Manner and under such Regulations as the said Company of Proprietors shall direct and appoint; and in case of Denial or Neglect of Payment of any such Rates, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for the same by Action of Debt or upon the Case in any Court of Record, or the Person or Persons to whom the said Rates ought to be paid may, and is and are hereby impowered to seize and distrain the Goods for or in respect whereof such Rates ought to be paid, or any Part thereof, or the Boat or other Vessel laden therewith, and detain the same until Payment thereof, together with reasonable Charges for such Distress; and if such Distress shall not be redeemed within Five Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

Further Allowance for Goods remaining upon a Wharf above 24 Hours.

XLIII. And be it further enacted, That if any Coal, Iron, Iron-stone, Lime, or other Goods or Things whatsoever, which shall be so navigated, carried, or conveyed, shall remain upon any Wharf belonging to the said Company of Proprietors for above the Space of Twenty-four Hours, then, and in such Case, the said Company of Proprietors shall be entitled to receive such reasonable Allowance, over and above the Tonnage Rates herein-before authorized to be taken, as shall be agreed upon between the said Company of Proprietors, or their Agent or Agents, and the Owner or Owners of such Coal, Iron, Iron-stone, Lime, or other Goods or Things, or, in case of Dispute concerning such Allowance, the same shall be ascertained and adjusted by the said Commissioners.

Exemptions.

XLIV. Provided always, and be it further enacted, That no Paving Stones, Gravel, Sand, or other Materials for making and repairing of Roads, nor any Dung, Soil, Marl, or other Manure (Lime and Limestone excepted) for the Improvement only of the Lands or Grounds of any Person or Persons, whose Lands or Grounds shall or may be had or taken for or upon Account of making the said Canal and Collateral Cuts, or other Works aforesaid, shall be charged with, or liable to the Payment of any of the Rates authorized to be taken by this Act, but shall be free and exempted from the

the same, provided the Matters or Things so exempted from the Payment of the said Rates as aforesaid do not pass through any Lock to be made by virtue of this Act, except at such Times when the Water shall flow over the Lock Weir; and that all Persons who shall own, or be concerned or employed in carrying or conveying any Paving Stones, Gravel, Sand, or other Materials for the Repair of Roads, or Dung, Soil, Marl, or other Manure (except Lime and Lime-stone) upon or along the said Canal and Collateral Cuts, or any of them, shall have free Liberty to make use of the Towing Paths, Wharfs, or Quays belonging to the said Company of Proprietors, such Persons not suffering such Paving Stones, Gravel, Sand, or other Materials, Dung, Soil, Marl, or other Manure, to lie upon such Wharfs or Quays longer than may be necessary for loading, unloading, and conveying the same from and to the several Places where they are put on Board and unloaded, and making good any Damages that may be done to the Sides or Banks of the said Canal and Collateral Cuts, or any of them, by the loading, unloading, or discharging the Boats or other Vessels carrying or conveying the same, which Recompence or Satisfaction, in case of any Difference, shall be settled and ascertained by the said Commissioners.

Proprietors may alter Rates.

XLV. And be it further enacted, That the said Company of Proprietors shall, at their First General Assembly to be held as aforesaid, ascertain and fix the Rates to be taken by virtue of this Act; and it shall be lawful for the said Company of Proprietors, at any General Assembly to be afterwards held for that Purpose, (of which Three Calendar Months Notice at the least shall be given in the Manner herein-before mentioned), to lessen or reduce all or any of the said Rates fixed at such First General Assembly as aforesaid, as the said Company of Proprietors shall think proper, and afterwards, from Time to Time, at any General Assembly of which such Notice shall be given as aforesaid, to advance and raise all or any of the said Rates so lessened: Provided always, That the Rates so to be advanced, ascertained, and fixed as aforesaid, shall not in any Case exceed the Rates herein-before granted; and that no Reduction of the said Rates shall be made without the Consent of the Proprietors possessed of at least Two Thirds of the Shares in the said Navigation.

Master of Boats to give Account of Particulars of Lading.

XLVI. And, for the more easy collecting the said Rates, be it enacted, That the Master, Owner, or Person having the Care of any Boat or other Vessel navigating upon the

the said Canal and Collateral Cuts, or any of them, shall give an exact and true Account in Writing, under his Hand, to the Collectors of the said Rates, at the Places where they shall attend for that Purpose, of what Quantities of Goods shall be in or belonging to the said Boat or Vessel, from whence brought, and where the same are intended to be landed; and, if the Goods contained in any such Boat or Vessel shall be liable to the Payment of different Rates, then such Master, Owner, or Person, having the Care of such Boat or Vessel, shall specify the particular Quantities liable to the Payment of such different Rates; and in case any such Person shall refuse or wilfully neglect to give such Account, or to produce his Bill of Lading, to any such Collector demanding the same, or shall give a false Account, or shall deliver any Part of the Lading or Goods at any other Place than is or are mentioned in such Account, with Intent to avoid the Payment of the said Rates, he shall forfeit and pay the Sum of Twenty Shillings a Ton for every Ton of Goods, Wares, or Merchandize, and so in Proportion for any lesser Quantity than a Ton, which shall be in such Boat or other Vessel respectively, of which such Account shall be so refused or neglected to be given, or of which such false Account shall be given, or which shall be delivered out as aforesaid, as the Case shall happen to be, and shall also be subject to the Payment of the said Rates herein-before granted and made payable for the same.

What Quantity of Timber shall be deemed a Ton.

XLVII. And, for the better ascertaining the Tonnage of Timber to be charged with the Payment of the said Rates; be it further enacted, That Fifty Feet of round, and Forty Feet of square Oak, Ash, or Elm Timber, and Fifty Feet of Fir or Deal Balk, Poplar, Beech, or Birch, not cut into Scantlings, shall be deemed, rated, and estimated as and for One Ton Weight.

In case of Difference concerning Weight, Collectors may weigh them.

XLVIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, and the Master or Person having Charge of any Boat or other Vessel, or the Owner of any Goods or other Things, concerning the Weight or Quantity of the same, it shall be lawful for any such Collector to stop and detain any such Boat or other Vessel, and to weigh, measure, gauge, or cause to be weighed, measured, or gauged, all such Goods or other Things as shall be therein contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Master, Owner, or Person giving in such Account,

shall pay the Costs and Charges of such measuring, weighing, or gauging, to be recovered by such Ways and Means, and in such Manner, as the said Rates can or may be recovered; but if such Goods or other Things shall appear to be of the same or less Weight or Quantity, than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring, or gauging; and shall also pay to such Master or Person, or to the Owner or Owners of such Goods or other Things, such Damages as shall appear to the said Commissioners, upon the Oath of any credible Witness, to have arisen from such Detention, and in Default of immediate Payment thereof, the same shall be recovered from the said Company of Proprietors, in like Manner as any Penalty is by this Act directed to be recovered.

Navigation to be free upon Payment of Tolls.

XLIX. And be it further enacted, That all Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways belonging to the said Company of Proprietors (except the Towing Paths) for the Purpose of conveying Goods and other Things to or from the said Canal or Collateral Cuts, or any Wharfs, Quays, or Landing Places belonging thereto, and also to navigate upon the said Canal and Collateral Cuts, with any such Boats, or other Vessels as the Locks thereon will permit, and to use the said Wharfs and Quays for the loading and unloading any Goods and other Things, and the said Towing Paths for the haling and drawing such Boats and other Vessels, upon Payment of the Rates herein-before granted; but no Boat, Barge, or other Vessel of less Burthen than Ten Tons, shall pass through any of the Locks to be made on the said Canal and Collateral Cuts, without the Consent of the said Company of Proprietors, or their Lock-keeper or Agent, for that Purpose first had and obtained.

No Boat under Ten Tons to pass any Lock without Consent of Company.

For fencing off Towing Path, and making Bridges, &c.

L. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their own proper Charges, after any Land shall be taken for the Use of the said Canal and Collateral Cuts, and Towing Paths, to divide and separate, and keep constantly divided and separated, the Towing Paths on the Sides of the said Canal and Collateral Cuts, and the Trenches or Passages hereby authorized to be made, or such Parts of such Trenches or Passages as shall be found necessary by the said Commissioners, from the Lands or Grounds adjoining to such Towing Paths, Trenches, or Passages, with good and sufficient Posts,

Rails, Hedges, Ditches, Mounds, and other Fences, 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, as the said Commissioners shall from Time to Time judge necessary and appoint; 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 Canal and Collateral Cuts, and the Trenches and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of such Dimensions and in such Manner as the said Commissioners shall from Time to Time judge necessary and appoint; and also to make proper and convenient Watering Places for Cattle, where, by means of the said Canal and Collateral Cuts, or any of them, or other the Works hereby authorized to be made, Cattle have been deprived thereof, and at all Times to supply the same with Water for the Use of the Owners and Occupiers of the Lands, Mills, or Hereditaments adjoining to such Canal and Collateral Cuts, Trenches, Aqueducts, and Towing Paths, or any of them respectively: And the said Company of Proprietors shall not make the said Canal or Collateral Cuts, or any Trench, in or across any Common Highway, publick Bridle Way, or Foot Path, until they shall, at their own proper Charges, have made and perfected such Bridges, Passages, or Arches across such Highway, Bridle Way, or Path, and of such Dimensions, and in such Manner, as the said Commissioners shall adjudge proper: And all such Gates, Stiles, Bridges, Arches, and other Works and Conveniencies to be made, shall from Time to Time be supported, maintained, and kept in sufficient Repair, by the said Company of Proprietors.

In case Company do not fence off the Towing Paths, &c. Land Owners may do it at the Company's Expence.

LI. And be it further enacted, That in case the said Company of Proprietors shall refuse or neglect to cause to be divided and separated, and to be kept divided, and separated, the Towing Paths in Manner hereinbefore directed, or to make, erect, and set up such Gates and Stiles in and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages,

sages, over, under, or by the Side of, or into the said Canal and Collateral Cuts, and the said Trenches as aforesaid, or to make such Watering Places for Cattle as herein-before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands, Mills, or Hereditaments adjoining thereto, or to repair, maintain, and support such Gates, Stiles, Bridges, Passages, Arches, Culverts, and Watering Places, when erected, set up, and made, of such Dimensions and in such Manner as the said Commissioners shall from Time to Time direct or appoint, for the Space of Six Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners, or after Notice shall, by or on the Behalf of the Owners or Occupiers of any such Lands, Grounds, Mills, or Hereditaments, who shall find him, her, or themselves aggrieved by any such Refusal or Neglect to make, erect, and set up all such Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, and other Conveniences as aforesaid, as the said Commissioners, at a publick Meeting, shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors 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 Canal or Collateral Cuts, or the Banks thereof, or the 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 Expence thereof, together with the Costs and Charges attending the same, to be settled and allowed by the said Commissioners, shall be repaid 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 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 and 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,

same, against the said Company of Proprietors, by Action of Debt, in any of His Majesty's Courts of Record at Westminster.

If Bridges, &c. made by the Company are insufficient, Land Owners may make others.

LII. Provided always, That if the Owners or Occupiers of any Lands or Hereditaments, through which the said intended Canal or Collateral Cuts shall be made, do or shall, at any Time or Times thereafter, find that any of the Gates, Stiles, Bridges, Passages, Arches, Culverts, Tunnels, Drains, Back Drains, or other Passages, over, under, or by the Side of the said Canal or Collateral Cuts, or the Towing Paths, Aqueducts, or Feeders belonging thereto, or that any such Watering Places, and other Conveniences, which the said Commissioners shall have directed or appointed to be made by the said Company of Proprietors as aforesaid, are insufficient, either in the Number or Situation, for the commodious Use and Occupation of their respective Lands, Grounds, Mills, and Hereditaments, then, and in every such Case, it shall be lawful for any of such Owners or Occupiers, with the Consent and Approbation of the Committee of the said Company of Proprietors, or any Five or more of them, upon Request made to them for that Purpose, or, in case of their Refusal for the Space of Twenty-one Days after such Request, then with the Consent and Approbation of the said Commissioners, to make, fix, and erect, at their own Costs and Charges, such Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, and other Conveniences, of the same or the like Construction with those made and erected by the said Company of Proprietors, in such Places as shall be found and judged most necessary and convenient, for the better Use or Occupation of such Lands, 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 Canal or Collateral Cuts 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.

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

LIII. And be it further enacted, That in case, at any Time hereafter, the Ditches and Drains belonging to any Owner or Occupier of the Lands adjoining or lying contiguous to the said Canal or Collateral Cuts, shall not be sufficiently open for the free Passage of the Water from the Drains, Weirs, Culverts, and Passages belonging to the said Canal and Collateral Cuts, and the same shall not be remedied within Thirty Days after Notice for that Purpose given to such Owner or Occupier, by the Clerk to the said Company of Proprietors, it shall be lawful

lawful for the said Company of Proprietors, having an Order in Writing for that Purpose from the said Commissioners, as often as there shall be Occasion, to order and procure 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), shall be repaid 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 by this Act directed to be recovered.

Power to make Railways.

LIV. And be it further enacted, That in case the Proprietor or Proprietors of any Manor or Estate containing any Mines of Coal, Ironstone, Limestone, or other Minerals, or the Proprietor or Proprietors of any Furnaces or other Works, or the Renters, Lessees, or Occupiers of the same, lying within the Distance of Seven Miles from some Part of the said Canal or Collateral Cuts, shall find it expedient or necessary to make any Railways or Roads over the Lands or Grounds of any other Person or Persons, or to make any Bridges over any River, Brook, or Watercourse, for the Purpose of conveying his, her, or their Coals, Lime, Iron, Ironstone, Limestone, or other Minerals, to the said Canal or Collateral Cuts, then, and in every such Case, it shall be lawful for him, her, or them, to make any such Railways, Roads, and Bridges, and also a proper and sufficient Wharf or Landing Places at the End of every such Railway or Road, on the Side of the said Canal or Collateral Cuts, he, she, or they first paying or tendering Satisfaction for the Damage to be thereby occasioned to any Lands or Grounds, in Manner herein-before directed with respect to the Land to be taken for the Purposes before mentioned; and it shall also be lawful for the Owner or Owners of, and Person or Persons interested in, such Lands or Grounds, to treat and agree with such Proprietor or Proprietors, Renters, Lessees, or Occupiers, for the Damage the Owner or Owners of such Lands or Grounds shall or may sustain by making any such Railway, Road, Bridge, Wharf, or Landing Place; and in case they cannot agree concerning the Amount or Value of such Damage, or in case the Owner or Owners of, or Person or Persons interested in, such Lands or Grounds, shall refuse or neglect to treat, or by reason of Absence, or otherwise, shall be prevented from treating, then the same shall be settled and ascertained by the said Commissioners, and be subject to the Verdict of a Jury, if required, in such and the like

Manner as the Value of the Lands to be taken for making the said Canal and Collateral Cuts is by this Act directed to be settled and ascertained.

Lords of Manors and Land Owners may erect Warehouses, &c. on their Lands;

LV. Provided always, and be it further enacted, That the Lord or Lords of any Manor, or the Owner or Owners of any Lands or Grounds through which the said Canal or Collateral Cuts shall be made, may erect or use any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon their respective Lands, Grounds, or Wastes adjoining or near to the said Canal and Collateral Cuts, or any of them, and may land any Goods or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal and Collateral Cuts, or any of them, and also may make and use proper and convenient Places for Boats and other Vessels to lie in, turn, and pass by each other, so that the making or using thereof do not obstruct or prejudice the Navigation of the said Canal or Collateral Cuts, or any Towing Path on the Sides thereof; and all Rates 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 the same are hereby vested in the Lord or Lords of such Manor, or the Owner or Owners of such Lands or Grounds who shall make and erect the same as aforesaid, his, her, or their Heirs and Assigns.

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

LVI. Provided also, 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 to him or them, 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 Purpose of erecting Warehouses and Buildings for the Use of the said Navigation, or for making and laying out necessary and convenient Roads for the Conveyance of Goods to and from the said Canal and Collateral Cuts, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Warehouses, Buildings, and Roads, for the Use of the said Navigation, as the Commissioners shall think necessary, and on the respective Part or Parts of the Lands and Grounds described in such Notice, then the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Lands, Grounds, or Wastes, for erecting and building proper and sufficient Warehouses and Buildings, and making

and

and laying out necessary and convenient Roads to and from the said Canal and Collateral Cuts, agreeable to such Notice as aforesaid, first making 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 Purpose of this Act.

Regulations as to private Wharfs.

LVII. 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 any Lord or Lords of any Manor or Manors, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Canal or Collateral Cuts, for his, her, or their own 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; and that no more than the Sum of One Halfpenny a Ton shall be demanded or taken by any Lord or Lords, Land Owner or Land Owners, who shall or may make, erect, or build any Wharf or Quay, or make or lay out any Roads to and from the said Canal and Collateral Cuts, or any of them, 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, for that Purpose as aforesaid, for the Wharfage of Coal, Lime, Limestone, Clay, Iron, Timber, Stone, Brick, Tile, Slate, or Gravel; nor more than Three-pence a Ton for the Wharfage of any other Goods or Things, where the same shall be respectively placed and remain upon such Wharfs or Quays, and shall not continue thereupon for a longer Space of Time than Six Days: Provided always, That it shall be lawful for the said Company of Proprietors to erect, repair, and use any Cranes or Weighing Machines, upon any such Wharfs or Quays last mentioned, for the more convenient loading and unloading, and weighing of any such Coals, or other Goods or Things, in case the Proprietors of such Wharfs or Quays shall refuse to make and erect the same within Three Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, or when so erected neglect or refuse to keep the same in Repair; any Thing contained in this Act to the contrary hereof notwithstanding.

Weight of the Lading of Vessels to be marked.

LVIII. And, for preventing Disputes touching the Weight of the Lading on board any Boat or Vessel passing upon the said Navigation; be it further enacted,

That

That the Masters of all such Boats or Vessels shall, and they are hereby required to fix on each Side thereof, respectively, correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Height, and under such Regulations as the said Company of Proprietors shall from Time to Time direct, so that the true Weight of the Lading on board may at all Times be thereby ascertained and shewn; and the Names of the Owners of such Boats or Vessels, and the proper Numbers thereof respectively, in Copper, Lead, or other Metal as aforesaid, or painted in large Capital Letters, shall also, by such Masters and Owners, be affixed on the Sides of the said Boats or Vessels in some conspicuous Manner; and if the Master or Owner of any Boat or Vessel shall navigate the same upon the said Canal and Collateral Cuts, or any of them, without having such Indexes, Name or Number thereon, or shall wilfully alter, deface, or destroy the same, or any Part thereof, every such Master or Owner so offending shall forfeit and pay the Sum of Forty Shillings for every such Offence.

Boats to be gauged.

LIX. And be it further enacted, That the Owner or Master of every Boat or other Vessel navigating upon the said Canal and Collateral Cuts, or any of them, shall permit and suffer every such Boat or other Vessel to be gauged or measured, at the Expence of the said Company of Proprietors, 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; provided that no such Boat shall be gauged or measured more than Four Times in any One Year; and every Owner, Master, or other Person having the Rule or Command of any Boat or other Vessel, who shall refuse to have his Boat or other Vessel gauged or measured as aforesaid, or shall refuse to produce his Certificate of the Gauge of such Boat or other Vessel, shall forfeit and pay the Sum of Forty Shillings for every such Offence.

Boat Master accountable for Damage done by the Crew.

LX. And be it further enacted, That the Master or Owner of every Boat or other Vessel navigated upon the said Canal and Collateral Cuts, or any of them, 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, Banks, Dams, Engines, or other Works, in, upon, or near to the said Canal and Collateral Cuts, or any of them, or the Trenches, Aque-

ducts, Sluices, and Passages belonging thereto, or by loading or unloading any Boat or other Vessel, and for any Trespass or Damage that shall or may be done to the Owners or Proprietors of any Buildings, Erections, 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 a Verdict pass against him, or Judgement be given against him upon Demurrer or by Default, the Plaintiff in any such Case shall recover his Damages thereby sustained, with Double Costs of Suit.

Places to be made for Boats to turn or lie in.

LXI. And be it further enacted, That the said Company of Proprietors shall and may, and they are hereby impowered, in such Parts of the said Canal and Collateral Cuts 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 Places in the Lands adjoining to the said Canal and Collateral Cuts, at convenient Distances from each other, for the turning, lying, and passing of any such Boats or Vessels; and that all Boats or other Vessels sailing or being haled or navigated upon the said Canal and Collateral Cuts shall, upon meeting any other Boat or Vessel, stop at, or go back to, and lie in the said Places, in such Manner as the said Company of Proprietors, or their Committee, shall from Time to Time direct and appoint.

Vessels lying so as to obstruct the Navigation, to be removed.

LXII. And be it further enacted, That if any Boat or Vessel shall be placed, or suffered to lie or remain in any Part of the said Canal or Collateral Cuts, or any of them, so as to obstruct the Navigation thereof, and the Person having the Care of such Boat or Vessel shall not, immediately upon Request made, remove such Boat or other Vessel, he shall for every such Offence forfeit any Sum not exceeding Five Shillings for every Hour such Obstruction shall continue; and it shall be lawful for any Agent or Officer to the said Company of Proprietors to cause any such Boat or Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and to seize and distrain such Boat or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are paid; and if any Boat or Vessel shall be sunk in the said Canal or Collateral Cuts, and the Owner or Owners, or Person or Persons having the Care of such Boat or Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall be lawful

Vessels sunk to be weighed up.

for any Agent or Officer to the said Company of Proprietors to cause such Boat or Vessel to be weighed or drawn up, and to detain and keep the same until Payment be made of all the Expences necessarily occasioned thereby.

Penalty on Persons overloading and obstructing the Navigation;

LXIII. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal or Collateral Cuts, or any of them, or shall suffer the Loading of any Boat or Vessel to lie over the Sides of any such Boat or Vessel, or shall overload any Boat or Vessel navigating in or upon the said Canal and Collateral Cuts, or any of them, so as 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, remove such Obstruction, every such Owner or Person floating such Timber, or having the Care of such Boat or Vessel, shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and if any Person or Persons shall throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said Canal or Collateral Cuts, or any Trenches or Watercourses to be made by virtue of this Act, every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

or throwing Ballast into the Canal;

or opening Locks, or doing other Damage to Navigation.

LXIV. And be it further enacted, That if any Person or Persons shall wantonly, carelessly, or negligently open, or cause to be opened, any Lock Gate, or any Paddle, Valve, or Clough belonging to any Lock to be erected on the said Canal or Collateral Cuts, or any of them, or suffer any Boat, or other Vessel, to strike or run upon any Bridges or Locks thereof, or shall wilfully flush or draw off the Water from any Part of the said Canal or Collateral Cuts, or any of them, or shall leave any of the said Valves or Cloughs open and running after any Boat or other Vessel shall have passed any such Lock, every Person so offending shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Regulation of Vessels passing the Locks.

LXV. And be it further enacted, That every Boatman, or other Person, navigating any Boat or other Vessel through any Lock to be erected on the said Canal or Collateral Cuts, shall, in going down the said Canal or Collateral Cuts, shut the Lower Gates of such Lock, before he shall draw the Cloughs of the Upper Gates thereof; and after he shall have brought his Boat or Vessel into the said Lock, shall shut the Upper Gates be-

fore he shall draw the Cloughs of the Lower Gates thereof; and the Vessel going up the same, if within Sight of, and at a Distance not exceeding Three hundred Yards below a Lock, shall pass through such Lock before the Vessel coming down, unless such Lock shall happen to be filled with Water; and if there are more Vessels than One below and One above any Lock at the same Time, within the Distance aforesaid, (at which Distance a Post or Mark shall be set up or made for that Purpose), such Vessels shall go up and come down at such Lock by Turns, as aforesaid, until all the said Vessels going up or coming down shall have passed, by which Means One Lock full of Water may serve Two or more Vessels; and any Person offending herein shall forfeit any Sum not exceeding Forty Shillings for every such Offence.

Canal not to be under the Power of Commissioners of Sewers.

LXVI. And be it further enacted, That the said Canal and Collateral Cuts, or any Works whatsoever to be made by virtue 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 Thing in any former Law or Statute to the contrary notwithstanding.

Rates exempt from Taxes.

LXVII. And be it further enacted and declared, That the said Rates shall at all Times hereafter be exempted from the Payment of all and every Parliamentary and other Taxes, Rates, Assessments, or Impositions whatsoever.

How Proprietors are to be taxed for Lands and Buildings.

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

Power for Land Owners and Occupiers to use Pleasure and other Boats.

LXIX. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said Canal, to use upon the said Canal any Pleasure Boats, or any Boats for the Purpose of Husbandry only, or for conveying Cattle from any Farm or Lands to any other Farm or Lands of the same Owner or Occupier, without the Interruption of the said Company of Proprietors or any Persons acting under their Authority, without paying any Rate or Due for the same, so as such

such Boats be not of greater Breadth than Six Feet, and do not pass through any Lock to be made by virtue of this Act, and be not employed in carrying any Goods, Wares, or Merchandize to Market or for Sale, or any Persons for Hire, and so as the same do not obstruct or prejudice the Navigation of the said Canal, or the Towing Paths on the Side thereof; and the respective Owners of all such Pleasure or other Boats shall, in their own Lands, make convenient Places for such Boats to lie in, and shall not suffer the same to be moored or remain on the said Canal.

Coal and other Minerals found in making the Canal to belong to the Owners of Lands.

LXX. Provided always, and be it further enacted, That all Coal, Pot Clay, Lime Stone, paving Stone, or other Stone, Ore, or Minerals whatsoever, which shall or may be found and taken out of the said Canal in digging, forming, or making the same, through the several Lands and Estates in the Parishes and Places aforesaid, shall, and the same is and are hereby reserved to and vested in the Owners or Proprietors of the Estates respectively, through which the said Canal shall be taken, their respective Heirs, Successors, or Assigns, and that it shall and may be lawful to and for him, her, or them, and his, her, or their Agents or Workmen, to have, take, and carry away all such Coal, Clay, Lime Stone, and other Stone, Ore, and Minerals whatsoever, to his, her, or their own Use, when taken or removed out of the said Canal, without giving or making any Recompence whatsoever: Provided also, That all such Coal, Pot Clay, Lime Stone, paving Stone, and other Stone, Ore, or Minerals, which shall be found and dug up in making the said Canal or Cuts, shall be laid upon the Surface of the Land on the Sides of the said Canal, or in some convenient Place or Places near the same, in order that the Persons entitled thereto as aforesaid may more conveniently take, carry away, and dispose of the same.

Coal and other Minerals under the Canal reserved to the Land Owners.

LXXI. Provided always, and be it further enacted, That all such Coal, Pot Clay, Lime Stone, paving Stone, and other Stone, Ore, or Minerals whatsoever, which shall be under the said intended Canal and Collateral Cuts, or either of them, or any other Works hereby authorized to be made, or any of the Land taken by the said Company of Proprietors for any of the Purposes of the said Canal, shall belong to, and be the Property of the several Persons who would have been the Owners or Proprietors of the Land in which the same shall be found, in case such Land had not been taken for the Purposes of this Act; and it shall be lawful for every such

such Person, his or her Servants, Agents, and Workmen, to get up, have, take, and carry away such Coal, Clay, Stone, Dye, or other Minerals, to his or her own Use and Benefit, without making any Recompence or Payment whatsoever to the said Company of Proprietors for the same, so that the making and carrying on the said Canal and Collateral Cuts, or any of them, or any other of the Works aforesaid, be not thereby unnecessarily prevented or delayed, and so that the Persons getting or taking any such Coal, Clay, Stone, Dye, or other Minerals, do make good the Land where the same shall be so got or taken below the Bottom or Bed of the said Canal or either of the said Collateral Cuts, so as to raise the same to the Height of the Bottom or Bed of such Canal or Cuts, at his, her, or their own Expence or Charges; and the said Company of Proprietors, as soon as they shall have cut the necessary Depth for the said Canal and Collateral Cuts, or other Works hereby authorized to be made, shall come down to any Beds or Veins of such Stone, Mines, or Minerals as aforesaid, they shall give Notice of the same to the Person or Persons to whom such Stone which may be under such Canal, Cuts, or other Works shall belong, in order that he, she, or they may have an Opportunity of getting the same in Manner aforesaid: Provided nevertheless, That no such Person shall be impowered to dig or get up such Stone and Minerals, unless he, she, or they shall begin to get the same within Fourteen Days from the giving of such Notice, and shall continue to work and get the same without any wilful or unnecessary Delay.

Manner of working Mines under the Canal.

LXXII. Provided always, and be it further enacted, That when and as often as the Owner of any Mine of Coal, Clay, Lime Stone, or other Stone, Dye, or Minerals lying under the said Canal and Cuts, or any Towing Paths, Reservoir, or other Work to be made in pursuance of this Act, shall be desirous of working and getting up the same, then, and in every such Case, such Owner shall give Notice in Writing under his Hand of such Intention, to the Clerk of the said Company of Proprietors for the Time being, at least Three Calendar Months before he shall begin to work such Mine, and upon Receipt of such Notice, it shall be lawful for the said Company of Proprietors to inspect or cause such Mine to be inspected in order to determine what Coal, Clay, Lime Stone, or other Stone or Minerals may be come at, and be actually gotten without Prejudice or Damage to the said Canal or Collateral Cuts, or any such Towing Paths, Reservoir, or other Works as aforesaid; and if

the said Company of Proprietors shall refuse or neglect to inspect such Wine, or to cause the same to be inspected within the Space of Thirty-one Days after Receipt of such Notice, then it shall be lawful for the Owner of such Wine, and he is hereby authorized to work such Part of the said Wine as may be under the said Canal and Cuts, or any such Towing Path, Reservoirs, or other Works as aforesaid; and if upon such Inspection as aforesaid, the said Company of Proprietors shall refuse to permit the Owner of such Wines to work any such Part thereof as may be under the said Canal and Cuts, or any such Towing Path, Reservoir, or other Works as aforesaid, or in any other Manner obstruct or prevent such Owner from getting the same, then, and in such Case, the said Company of Proprietors shall, within Three Calendar Months next after such Notice given as aforesaid to the Clerk of the said Company of Proprietors for the Time being, pay or cause to be paid to such Owner, such Price for the same, after the like Rate as the next adjoining Wines of equal Quality shall have been really and bona fide sold for, or be estimated or valued at; and if any Question or Dispute shall arise between the said Company of Proprietors and the Owner of any such Wines, his or her Heirs, Executors, or Administrators, touching the same, the Matter of such Question or Dispute shall be settled and determined by the said Commissioners assembled at a Meeting to be held as aforesaid, or the major Part of them, or shall be subject to the Verdict of a Jury, if required, in such and the same Manner as the Value of the Lands to be purchased for the making of the said Canal, and other Works, is herein-before directed to be settled and ascertained; and in Default of Payment of such Money, the said Commissioners so assembled, or the major Part of them, are hereby impowered and 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 which shall be found upon the said Canal, or upon any Wharfs, Quays, or Watercourses adjoining or near the same, belonging to the said Company, to and for the Use of the Owner of such Wine, his or her Executors or Administrators, as the Case may be, or otherwise such Owner, his or her Executors or Administrators, may sue for the same, with full Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record at Westminster.

Rights of Lords of Manors and

LXXIII. Provided also, and be it further enacted and declared, That the Lord and Lords, and Owner and Owners,

Owners, of all and every Manor and Manors, through which the said Canal and Collateral Cuts shall be made, shall have and be entitled to the Right of Fishery of and in so much of the said Canal and Collateral Cuts, and the said Reservoirs, Trenches, and Sluices, as shall be made over or through the Common or Waste Lands within his, her, or their Manor or Manors, and also in and over or through any other Lands or Grounds lying within any such Manor or Manors, wherein such Lord or Lords, or Owner or Owners, now have or hath, or is or are entitled to the Right of Fishery in the Ponds and Waters now being in such last mentioned Lands or Grounds respectively; and that the Owner or Owners of all other Lands or Grounds through which the said Canal and Collateral Cuts shall be made, shall also have and be entitled to the Right of Fishery of and in so much of the said Canal and Collateral Cuts, and the said Reservoirs, Trenches, and Sluices, as shall be made in, over, or through his, her, or their Lands or Grounds respectively, so as in the Use and Exercise of the said Right of Fishery, the said Canal or Collateral Cuts, or the Reservoirs, Trenches, and Sluices, and the Towing Paths, Banks, or other Works and Conveniencies hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Canal or Collateral Cuts, or the Reservoirs, Trenches, or Sluices; 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 or Collateral Cuts, or the said Reservoirs, Trenches, or Sluices, which shall be taken, killed, or destroyed through or by Means of the letting off the Water out of the said Canal or Collateral Cuts, or the said Reservoirs, Trenches, or Sluices, for or upon Account of any Repairs or Works to be done in or about the same; and that it shall be lawful for the Lord or Lords of such Manor or Manors, and the Owner or Owners of such Ground, being qualified by Law so to do, to take and kill Game upon so much of the said Canal and Collateral Cuts, and the Trenches, Sluices, Towing Paths, and other Lands or Grounds to be set out for the Use of the said Navigation, as shall be made through their respective Lands or Grounds as aforesaid.

Land Owners to Fishery reserved.

LXXIV. And whereas the major Part of the Proprietors of the said Navigation may hereafter judge it expedient

Majority of the Proprietors may make future

Applications for Power to open other Communications with the Canal.

expedient to make Application to Parliament for Power to make other navigable Communications with the said intended Canal, than such as are authorized by this Act, but by reason of Infancy, or otherwise, may not be able to obtain the Consent and Concurrence of all the Proprietors; be it further enacted, That in case the Persons entitled to the greater Number of the Shares in the said Navigation, shall at any General Assembly of the said Company of Proprietors think it proper to make any such Application to Parliament as aforesaid, it shall be lawful for them to order and cause the Common Seal of the said Company of Proprietors to be affixed to any Petition for that Purpose, and such Application to be proceeded in and prosecuted, and any Money arising by virtue of this Act to be applied in defraying the Expences incurred by or in consequence of any such Application, and the same shall be deemed to be the Act of the Whole of the said Company of Proprietors, in like Manner, and as fully and effectually as if every One of the said Proprietors had been capable of acting for himself, and had attended such General Assembly, and concurred therein; and it shall be lawful for the Guardians, Trustees, or Committees of the Proprietors of any such Shares, being Minors, Lunaticks, or under any other Disability or Incapacity of acting for themselves, and the Executors or Administrators of any deceased Proprietors of such Shares, to apply any of the Money which shall come to their Hands as Guardians, Trustees, Committees, Executors, or Administrators as aforesaid, towards defraying the proportionable Shares of the Expences incurred by and in consequence of any such Application, which shall be payable by the Persons on whose Behalf they act, or to raise Money for that Purpose by Mortgage of any such Shares, which Mortgages they are hereby authorized to make, by Writing under their Hands and Seals, and the same shall be valid and effectual.

A Lock to be erected within 500 Yards of the *Worcester* and *Birmingham* Canal to prevent any Loss of Water to either Canal.

LXXV. And whereas the said Companies of Proprietors of the said Stratford upon Avon and Worcester and Birmingham Canal Navigations, are mutually desirous to secure each other against any Loss or Injury which might otherwise arise to either of the said Canals by the draining of the Water contained in or appropriated to the other of the said Canals, by reason of such Canals being to communicate with each other upon a dead Level: Be it enacted, That the said Company of Proprietors of the said Stratford upon Avon Canal, shall and will, and they are hereby required, at their own proper

Costs and Charges, to erect or cause to be erected at or within Five hundred Yards of the said Worcester and Birmingham Canal, or at such other Place as the said Company of Proprietors of the said Stratford upon Avon and Worcester and Birmingham Canals shall mutually agree upon, and at all Times for ever thereafter support, maintain, and keep in Order, according to the best practicable Mode of keeping Locks Water tight, a Stop Lock with Gates in Manner herein-after described; (that is to say), that the said Lock shall be made of such Dimensions as to admit One Boat of the Construction to be used on the Statford upon Avon Canal, and that the said Lock shall be furnished with Four Gates, or Pairs of Gates; Two of which Gates, or Pairs of Gates, shall open towards the said Worcester and Birmingham Canal, and be placed at such Distance as to admit such Boats as may navigate upon the said Stratford upon Avon Canal, into the Chamber of the Lock between the said Gates, in the same Manner as in any common Lock; and Two other of the said Gates, or Pairs of Gates, shall open towards the said Stratford upon Avon Canal, and be placed at such Distance from each other as to admit such Boats as may navigate upon the said Stratford upon Avon Canal, into the Chamber of the Lock between the said Gates in Manner aforesaid; and the said Gates respectively shall be so made and used as effectually to prevent any Loss of Water from the said Worcester and Birmingham Canal into the said Stratford upon Avon Canal, or from the said Stratford upon Avon Canal into the said Worcester and Birmingham Canal; and that in case the Stop Gates and Works so to be erected as aforesaid, shall at any Time hereafter be found ineffectual to prevent the Waste or Loss of Water from the One of the said Canals to the other of them as aforesaid, that then, and in such Case, such other Device, Works, or Machinery shall be constructed, made, and erected in such Situations as aforesaid, or in such other Situation as the said Company of Proprietors of the Worcester and Birmingham and the Stratford upon Avon Canals respectively, or any Engineer or Engineers of their mutual Appointment shall agree upon, so as effectually to prevent the Waste or Loss of Water from either of the said Canals to the other of them; and in case the said Companies of Proprietors shall not mutually agree of and concerning the same, then, and in such Case, the same shall be ascertained and determined by the Commissioners appointed for carrying the Purposes of the said Worcester and Birmingham Canal Act into Execu-

tion, in like Manner as such Commissioners are authorized and impowered to settle and determine any other Matters and Things under and by virtue of the Powers of the said last mentioned Act; and in case the said Company of Proprietors of the said Stratford upon Avon Navigation shall neglect or refuse to repair the said Lock herein-before directed to be made, or the Gates, Valves, or other necessary Appendages belonging thereto, that then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors of the said Worcester and Birmingham Canal Navigation, and they are hereby authorized and impowered, after Six Days Notice given by their Clerk, principal Agent, or Surveyor, to the Clerk, Agent, or Surveyor of the said Stratford upon Avon Canal, in Writing, to stop the Passage of the said Canal, during so long Time as shall be necessary for doing such Repairs, and by Agents and Workmen of their own Appointment, to repair and amend the same, at the proper Costs and Charges of the said Stratford upon Avon Canal Company, which said Costs and Charges the Treasurer or Collector of the said Stratford upon Avon Canal is hereby authorized and directed to pay as aforesaid.

If the Water is not kept up to the same Level in both the Canals, the Passage of Boats may be stopped.

LXXVI. And be it further enacted, That at any Time hereafter, and at all Times when the Surface of the Water of the said Stratford upon Avon Canal shall be below or under the Level of the Surface of the Water of the said Worcester and Birmingham Canal, it shall and may be lawful to and for the said Company of Proprietors of the said Worcester and Birmingham Canal, or their Lock Keeper or Agent, to shut and lock up the Gate or Gates of the said Stop Lock opening towards the said Worcester and Birmingham Canal as aforesaid, and to prevent the Passage of any Boat or Vessel, in either Direction, through such last mentioned Gate or Gates, until the Difference of Level in the Waters of the said Two Canals shall be restored, and so as thereby effectually to prevent any Loss or Waste in the Water belonging to the said Worcester and Birmingham Canal; and that at any Time or Times hereafter, and at all Times when the Surface of the Water of the said Worcester and Birmingham Canal shall be below or under the Level of the Surface of the Water in the said Stratford upon Avon Canal, it shall and may be lawful to and for the said Company of Proprietors of the said Stratford upon Avon Canal, or their Lock Keeper or Agent, to shut and lock up the Gate or Gates of the said Stop Lock opening towards the said Stratford upon Avon Canal, and to prevent the Passage of any Boat or Vessel, in either Direction,

tion, through such last mentioned Gate or Gates, until the Difference of Level in the Waters of the said Two Canals shall be restored, and so as thereby effectually to prevent any Loss or Waste in the Water belonging to the said Stratford upon Avon Canal.

The said Lock to be under the joint Management of the Two Companies.

LXXVII. Provided always, and be it further enacted, That the said Lock so to be erected as aforesaid by the said Company of Proprietors of the said Stratford upon Avon Canal, shall be under the mutual Management and Controul of the said Companies of Proprietors of the said Worcester and Birmingham and the said Stratford upon Avon Canals, respectively, and that the said last mentioned Companies shall and may, from Time to Time, and at all Times hereafter, appoint each of them a Lock Keeper, or Person to superintend and look after the same, which Lock Keepers shall be paid their Salaries or Wages respectively, by the Company of Proprietors so appointing such Lock Keepers respectively, unless the said Companies of Proprietors shall mutually agree to nominate and appoint some One Person to be such Lock Keeper, in which Case the Salary or Wages of such last mentioned Lock Keeper shall be paid and borne by the said Company of Proprietors of the Stratford upon Avon Canal; and that the said Company of Proprietors of the said Stratford upon Avon Canal, shall and will erect a House or Houses contiguous to the said Lock, and at all Times support and maintain the same in good Repair, for the Residence of such Lock Keeper respectively, without any Allowance to be made to the said last mentioned Company for the same.

Penalty on Persons opening the Gates of the Stop Lock in certain Cases.

LXXVIII. Provided always, and be it further enacted, That if any Boatman, or other Person or Persons, shall open or cause to be opened any or either of the Gates in the said Stop Lock so to be erected as aforesaid, during the Time the same shall be locked up as aforesaid, unless the Surface of the Waters in the said Worcester and Birmingham and the Stratford upon Avon Canals shall be of the same Height or Level, without the Permission of the said Company of Proprietors by whom such Gate or Gates shall have been locked up as aforesaid, their Lock Keeper, Agent, or Deputy, or if any Boatman, or other Person or Persons navigating any Boat or other Vessel, after he shall have brought his Boat into such Lock, shall omit or neglect to shut the Gate or Gates of such Lock through which he shall have so entered, before he opens the Gate or Gates of the other End of such Lock, or does any other wilful Act whereby the Water may be made to pass from the said Worcester and Birmingham

Canal

Canal towards or into the said Stratford upon Avon Canal, or from the said Stratford upon Avon Canal towards or into the said Worcester and Birmingham Canal, and shall be thereof convicted before One or more of His Majesty's Justices of the Peace for the County of Worcester, on the Oath of One or more Witness or Witnesses, (which Oath such Justice or Justices is and are hereby impowered to administer without Fee or Reward), such Offender or Offenders shall forfeit and pay to the Company of Proprietors, respectively, sustaining any Loss or Waste of Water by Reason of such Gate or Gates being opened, or being neglected to be shut as aforesaid, their Treasurer or principal Agent, for every such Offence, not exceeding Ten Pounds, nor less than Forty Shillings, at the Discretion of the said Justice or Justices, to be recovered in Manner herein-after mentioned.

Regulation relative to the Carriage of Goods from the intended Canal upon the *Worcester* and *Birmingham* Canal.

LXXIX. And whereas it is reasonable that Goods and other Things passing into or from the said intended Canal, upon any Part of the Worcester and Birmingham Canal, Northward of the Junction thereof with the said intended Canal, should be charged with no higher Rates, for passing upon the said Worcester and Birmingham Canal, than shall be payable for passing upon the said intended Canal; be it therefore further enacted, That whenever any Goods or other Things shall be navigated, carried, or conveyed into or from the said intended Canal, upon any Part of the Worcester and Birmingham Canal, Northward of the Place where the same shall join with the said intended Canal, no higher Rates shall be payable to the Company of Proprietors of the Worcester and Birmingham Canal, for or in respect of such Goods or other Things, than shall for the Time being be payable for the passing of the same Kind of Goods or other Things upon the said intended Canal, between the Junction of the said Canals and Salters Lane aforesaid; any Thing in the Act of Parliament of the Thirty-first Year of the Reign of His present Majesty, for making and maintaining the said Worcester and Birmingham Canal, to the contrary notwithstanding.

Annual Payment by the *Worcester* and *Birmingham* Company, to Mr. *Perrot*, &c.

LXXX. And whereas George Perrott Esquire is sole Owner and Proprietor of the Navigation of the River Avon, running through the Counties of Warwick, Worcester, and Gloucester, from a certain Lock or Sluice, at or near the Borough of Evesham, in the County of Worcester, called Evesham Sluice, to the River Severn, at or near Tewkesbury, in the County of Gloucester, which is commonly called The Lower Navigation of the River Avon, and as such is entitled to all the Tonnage, Tolls, Rates,

and Payments payable for or in respect of all Barges, Boats, and Vessels, laden with Coal, or any Goods, Wares, or Merchandize navigated upon, or going up or down such Part of the said River; and is also entitled to the Tonnage of all Coal, Goods, Wares, and Merchandize, laden or unladen at any Place on the said River between the said Lock or Sluice called Evesham Sluice and the Town or Village of Bidford, in the said County of Warwick; and is also entitled to a certain Payment per Ton, for all Goods, Wares, and Merchandize, carried out of or into the said Lower Navigation, into or out of the Upper Navigation of the said River Avon, between the Bridge above Stratford upon Avon and the said Lock or Sluice called Evesham Sluice aforesaid: And whereas the making the said intended Canal will diminish the Profits of the Lower Navigation of the said River Avon, belonging solely to the said George Perrott, and increase the Profits of the said Company of Proprietors of the Worcester and Birmingham Canal; wherefore the said Company of Proprietors are willing to pay to the said George Perrott, and the future Owners and Proprietors of the said Lower Navigation of the River Avon, the annual Sum of Four hundred Pounds, in Consideration of the Injury he or they may sustain in consequence of making the said intended Canal, and to indemnify him in Manner as herein-after is mentioned, in the mean Time, until the said intended Canal shall be compleated: Be it therefore further enacted, That for ever, from and after the said intended Canal shall be made navigable according to the intended Line, or any other Line hereafter to be adopted in lieu thereof, or any Part thereof, the said Company of Proprietors of the said Worcester and Birmingham Canal Navigation shall and are hereby authorized and required to pay to the said George Perrott, or the Owner or Owners of the said Lower Navigation of the said River Avon for the Time being, or to such Person or Persons as he or they shall appoint to receive the same, the clear annual Sum of Four hundred Pounds of lawful Money of Great Britain, by equal quarterly Payments, in even Portions of One hundred Pounds each Payment, the First quarterly Payment thereof to become due and payable, and be paid on the First of the following Days; namely, the Twenty-fifth Day of March, the Twenty-fourth Day of June, the Twenty-ninth Day of September, and the Twenty-fifth Day of December, which shall happen next after the said intended

Canal, or any future Variation thereof, shall be completely made navigable as aforesaid.

Time and Place of Payment, and Manner of Recovery of the Annual Payment.

LXXXI. And be it further enacted, That the said annual Sum of Four hundred Pounds shall be paid and payable quarterly as aforesaid, at or in the City of Worcester, to the said George Perrott, and the future Owners or Proprietors of the said Lower Navigation of the said River Avon, at such Place there as he or they shall from Time to Time appoint; and in case the same shall be in Arrear and unpaid by the Space of Sixty Days next after the Day on which the same is herein-before directed to be paid, it shall be lawful for the said George Perrott, and the Owner and Owners for the Time being of the said Lower Navigation of the said River Avon, to commence and prosecute One or more Action or Actions of Debt or Assumpsit for the Recovery thereof, against the said Company of Proprietors of the said Worcester and Birmingham Canal, in which there shall be no Essoin, Protection, or Wager of Law, and not more than One Imparlance, any Law, Usage, or Custom to the contrary notwithstanding; and the Plaintiff or Plaintiffs in the said Action or Actions, if he or they obtain a Verdict, shall have and be entitled to his or their full Costs and Charges, and it shall also be lawful for him and them to take and collect all and every the Tonnage Tolls, Rates, Profits, and Produce arising or to arise from, or be payable or paid for or in respect of the said Worcester and Birmingham Canal, until the said Arrears of the said Four hundred Pounds, and all Costs, Charges, and Expences attending the said Collection, and all other incidental Expences attending the same, shall be fully paid and satisfied.

Until the intended Canal is completed, the present Rent to be made good to Mr. *Perrot*.

LXXXII. Provided always, and be it further enacted, That until the said intended Canal shall be completely made navigable as aforesaid, and the said annual Sum of Four hundred Pounds shall commence and be paid or payable as aforesaid, the said Company of Proprietors of the said Worcester and Birmingham Canal shall and will pay, or cause to be paid, unto the said George Perrott, and the Owner or Owners of the said Lower Navigation of the said River Avon, such Sum and Sums of Money as shall from Time to Time be sufficient to make up the present annual Rent of One thousand two hundred and twenty-seven Pounds paid and payable to him and them for the said Lower Navigation of the River Avon, by his present Tenants or Occupiers of the same, in case, after the passing of this Act, the said George Perrott, and the future Owner or Owners of the said Lower Navigation

tion of the said River Avon, shall not be able to let the same for the said present Rent of One thousand two hundred and twenty-seven Pounds to a responsible and good Tenant, upon the like Clauses, Covenants, Restrictions, Provisoes, and Agreements, as are contained and mentioned in or stipulated for by the Contract now subsisting between the said George Perrott and his present Tenants, which said Sum and Sums of Money shall be recovered and be recoverable in the same Manner, with the like Costs, Charges, and Expences, as the said Sum of Four hundred Pounds is herein-before directed and authorized to be sued for and recovered.

Commissioners to give Notice of their Meetings.

LXXXIII. Provided always, and be it further enacted, That no Meeting whatsoever of the said Commissioners shall at any Time be had, for putting in Execution any of the Powers or Authorities vested in them by virtue of this Act, unless previous Notice of the Time, Place, and Purpose of such Meeting shall be first given in the Worcester and Birmingham Newspapers, or in such other Manner as the said Company of Proprietors shall direct or appoint, at least Fourteen Days before such Meeting; and that every Meeting of the said Commissioners, by virtue of this Act, shall be publick; and that no Act, Order, or Proceeding of the said Commissioners, or any of them, in the Execution of this Act, shall be valid, unless the same shall be made or done at a Meeting to be held in pursuance of this Act (except in such Cases as are hereby otherwise directed); and that all the Powers and Authorities by this Act given to or vested in the said Commissioners, shall or may from Time to Time be exercised by the Majority of the Commissioners present at every such Meeting, such Majority not being less than Five.

Commissioners to take an Oath.

LXXXIV. Provided always, That no Person shall act as a Commissioner in the Execution of this Act (otherwise than in administering the following Oath), until he shall have taken and subscribed an Oath to the Effect following, before any Five or more of the said Commissioners, who are hereby authorized and impowered to administer the same; (videlicet),

I *A. B.* do swear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner by virtue of an Act of Parliament made in the Thirty-third Year of the Reign of King *George* the Third, intituled [*Insert the Title of the Act.*]

LXXXV. And

Commissioners may act as Justices;

but not where interested, or holding Places of Profit.

LXXXV. And be it further enacted, That such of the said Commissioners who shall be in the Commission of the Peace for the County of Worcester or Warwick shall and may, and are hereby impowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners; but no Person shall be capable of acting as a Commissioner in the Execution of this Act in any Case where he shall be interested or concerned in the Matter in Question, or during the Time he shall hold any Place of Profit arising out of the Rates or other Money to be raised by virtue of this Act, or during the Time of his being a Proprietor of the said Navigation, or concerned in any Contract or Bargain made or to be made for the Purposes of this Act.

General Meeting of Commissioners.

LXXXVI. And be it further enacted, That upon Application to be made by any Five or more of the Proprietors of the said Navigation, or by the Owners or Occupiers of any Lands, Tenements, or Hereditaments to be affected by the said Canal and Collateral Cuts, or any of them, or any of the Works necessary or relating thereto, or any of them, unto any Five or more of the said Commissioners, requesting or desiring them to appoint a General Meeting of the said Commissioners, the said Commissioners so requested or applied to, although not assembled at a Meeting to be held by virtue of this Act, may and shall, and they are hereby authorized and required, within Seven Days after such Request or Application made to them, to give Notice, in Manner aforesaid, of a General Meeting of the said Commissioners, to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days, nor more than Twenty-one Days from the Day on which such Request shall be made; and the said Commissioners are hereby authorized and required to assemble at the Time and Place so to be appointed, in order to put the Powers and Authorities hereby given to and vested in them in Execution, and shall then adjourn themselves, and afterwards meet at such Time and Place as the said Commissioners shall think proper and convenient; and if it shall happen that there shall not appear, at any Meeting which shall be appointed to be held by the said Commissioners, a sufficient Number of Commissioners to act, and to adjourn to any other Time, the Clerk to the said Commissioners shall and may, by Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the Place where the last Meeting of the said Commissioners was appointed to be held, on the Fourteenth Day next

next after the Day on which such Meeting was appointed to be held.

Special Meetings of the Commissioners.

LXXXVII. Provided always, and be it further enacted, That it shall be lawful for any Five or more of the said Commissioners, and they are hereby impowered, although they shall not be assembled at a Meeting to be held by virtue of this Act, at any Time, upon such Request made as aforesaid, by Notice in Writing signed by them, and published in Manner aforesaid, to summon a Meeting of the said Commissioners, at such Time and Place as shall be mentioned in such Notice, for settling and ascertaining such Damages as are herein directed to be settled and ascertained by the said Commissioners, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

Power to compel Payment of Subscriptions.

LXXXVIII. 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 Canal and Collateral Cuts, and the other 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, or the said Committee, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company of Proprietors, 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 Manner required for that Purpose, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

Recovery of Forfeitures.

LXXXIX. And be it further enacted, That all Penalties and Forfeitures for Offences against this Act, shall, upon Proof of the Offences respectively before any Justice of the Peace for the County of Worcester or Warwick, wherein the Offence shall be committed, either by Confession of the Party or Parties, or by the Oath of any credible Witness, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby impowered to grant), and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale, are recovered and deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties and Forfeitures shall not be

forthwith paid, it shall be lawful for any such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or Prison, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, shall go and belong to the said Company of Proprietors, and be applied for the Purposes of this Act.

XC. And, for the more easy and speedy Conviction of Offenders against this Act; be it further enacted, That all and every Justice or Justices of the Peace before whom any Person or Persons shall be convicted of any Offence 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 said County of *Warwick*, [*or* Worcester, *as the Case may be, specifying the Offence, and Time and Place when and where the same was committed*]. Given under my Hand and Seal, the Day and Year aforesaid.

Persons aggrieved by Irregularity in Distress, to recover Special Damage.

XCI. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making 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 Proceeding 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 Damage in an Action upon the Case.

Appeal.

XCII. Provided always, and be it further enacted, 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 Order

Order of the said Company of Proprietors, or by the Order or Determination of any Justice of the Peace, may, within Six Calendar Months after such Order or Determination shall have been made or given, complain to the Justices of the Peace, at the General Quarter Session to be held in and for the County of Worcester or Warwick, where the Cause of Appeal shall arise; who shall, in a summary Way, either hear and determine the said Complaint, at such General or Quarter Session, or, if they think proper, may adjourn the Hearing thereof to the next General or Quarter Sessions of the Peace to be held for such County, and if they see Cause, may mitigate any Penalty or Forfeiture, 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 injured as they shall judge reasonable.

Limitation of Actions.

XCIII. 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, the same shall be brought or commenced within Twelve Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage, then within Twelve Calendar Months next after the doing or committing such Damage shall cease, and not afterwards, and shall be laid and brought in the County of Worcester or Warwick, where the Matter in Dispute shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information, shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then, and in such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, upon Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the

General Issue.

Treble Costs.

the same as any Defendant hath for Costs of Suit in any other Case by Law.

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

FINIS.