ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CXIII.

An Act for making and maintaining a Navigable Canal from the North End of the *Shropshire* Canal, in the Township of *Rockwardine Wood*, in the County of *Salop*, to the Town of *Shrewsbury*, in the said County.

[3d *June* 1793.]

WHEREAS the making and maintaining of a Canal for the Navigation of Boats and other Vessels from the North End of a certain Canal at Rockwardine Wood, in the County of Salop, called The Shropshire Canal, to the Town of Shrewsbury, in the said County, will open a Communication with several valuable Mines of Coal and Limestone, and will be of Benefit to Persons residing near the Line of the said intended Canal, as well as to the Owners of such Mines, and will also be of great publick Utility: And whereas the several Persons hereinafter named are desirous, at their own Expence, to make and maintain the said Canal; but cannot effect the same Preamble.

same 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 the most Noble the Marquis of Stafford, the Right Honourable Lord Berwick, Robert Burton senior, Robert Burton junior, Edward Burton, Henry Bevan, John Bishton, John Bishop, Edward Blakeway Clerk, John Barker, Corbet Browne Clerk, Samuel Yate Benyon, John Corbet, Saint John Charlton, John Colley, William Cherrington, Robert Waring Darwin Doctor of Physick, James Dixon, Mary Dunn, Elizabeth Davies, Thomas Eyton, John Edwards, Richard Emery, Thomas Ellesmere, John Flint, Elizabeth Freeman, Thomas Gilbert, John Gilbert, Theophilus Houlbrooke, Edward Harries, Thomas Horwood, Robert Hawkins, Thomas Husband, James Hiles, Thomas Hodgkins, Robert Jeffreys, Richard Juckes, Thomas Jones, Samuel Johnson Clerk, Ben Johnson, Edward Kynaston Clerk, Ralph Leeke, Stephen Leeke, William Nickson, Mary Oswell, William Pulteney, Robert Pemberton senior, Humphrey Parton, Edward Phillips, Richard Reynolds, William Reynolds, Joseph Reynolds, William Rathbone, Charles Roe, John Rocke Clerk, Frances Mabel Sparrow, Mary Slater, Joseph Sutton, William Shakeshaft, Robert Smith, Thomas Sandford, William Tayleur, John Wilkinson, Timothy Yate, and William Yonge, 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 passable for Boats, and other Vessels, according to the Rules, Orders, and Directions herein-after 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 *Shrewsbury* 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 for making the said Canal, and the several Works hereby authorized 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 authorized

Proprietors.

Incorporated.

and impowered, by themselves, their Agents, and Workmen, to make and complete a Canal, navigable and passable for Boats and other Vessels, from the said Canal at Rockwardine Wood, and joining and communicating with the said Canal at the North End thereof, into and through the several Parishes of Rockwardine, Wombridge, Wellington, Eyton, Preston, Longdon, High Ercall, Rodington, Withington, Upton, Atcham, and Uffington, in the County of Salop, and Saint Chad, Saint Alkmond, Saint Julian, and Saint Mary, in the Liberties of Shrewsbury, in the said County; and to supply the said Canal 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, or within the Distance of Two Miles thereof, or from any Reservoir or Reservoirs to be made as herein-after mentioned for supplying the said Canal with Water; and the said Company of Proprietors are hereby also impowered, by themselves, their Agents and Workmen, to make such Reservoirs, and such and so many Feeders and Aqueducts, and also to erect and set up such Engines and other Machines for supplying the said Canal and Reservoirs with Water; and for any other Purposes necessary for the said Canal, and to convey Water from any such Reservoirs to the said Canal, as to them shall seem necessary or proper; and for the Purposes aforesaid the said Company of Proprietors, their Agents, and Workmen, are hereby authorized and impowered to enter into and upon the Lands or Grounds of any Person or Persons, Bodies Politick, Corporate, or Collegiate, and to survey and take Levels of the same, or 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 all such other Works, Matters, and Conveniences as they shall think proper and necessary for effecting, improving, completing, maintaining, and using the said Canal, and other Works; 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 dug or got in the making of the said Canal and other Works, 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 other Works, or which may hinder, obstruct, or prevent the making,

using, completing, and maintaining the same, or the making, using, completing, and maintaining of such Reservoirs as aforesaid, or of any such Feeders, Trenches, Passages, Aqueducts, and Watercourses as shall be necessary and proper to convey Water to and from the said Canal and Reservoirs, according to the Intent, Tenor, and Purport of this Act; and also to make, build, erect, and set up, in or upon the said Canal, 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, inclined Planes, Weirs, Pens for Water, Stanks, Reservoirs, Drains, Weigh Beams, Cranes, Fire Engines, or other Machines, Ways, Rail Ways, Roads, Conveniences, and other Works, as and when the said Company of Proprietors shall think necessary 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 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, or the Tunnels, Reservoirs, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively which shall communicate therewith; and also to make, set up, and appoint such Roads, Towing Paths, Banks, and Ways convenient for towing, haling, or drawing of Boats or other Vessels, passing upon the said Canal, and proper Places for Boats and other Vessels navigated upon the said Canal to turn, lie, or pass each other; and to construct, make, erect, and do all other Matters and Things which the said Company of Proprietors shall think necessary and convenient for the making, extending, preserving, improving, completing, and using the said Canal, and other Works, in pursuance and according to the true Intent and Meaning of this Act; and also to make a Bason and Wharf at the Termination of the said Canal at Shrewsbury, for the Convenience of Boats and other Vessels passing from the said intended Canal, and for unloading Coals, and for such other Purposes as the said Company of Proprietors of the said intended Canal shall think fit, they the

said Company of Proprietors, their Agents, and Workmen, 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 Occupiers of, and Persons interested in, such Lands, Tenements, or Hereditaments, Waters or Watercourses 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, their Agents and Workmen, and all other Persons, for what they shall do by virtue of the Powers hereby granted.

Plan and Book of Reference to be authenticated by the Speaker of the House of Commons, and deposited.

II. And whereas a Survey has been taken to ascertain the Practicability of making the said Canal, and a Map or Plan, with a Book of Reference thereto, has been made in consequence thereof, in order to shew the Line or Course of the said Canal, and the various Distances from Place to Place, as they respectively affect the Property of each Individual through which they respectively pass, and the Extent and Particulars of the Whole: Be it therefore further enacted, That there shall be Two Parts made of the said Map or Plan, and Book of Reference, which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited and kept in the Office of the Clerk of the Peace for the County of Salop, and the Clerk to the said Company of Proprietors for the Time being, to which all Persons shall have Liberty to resort, and make Extracts or Copies thereof as Occasion shall require, paying to the said respective Clerks after the Rate of Sixpence for every One hundred Words; and the said Map or Plan, and Book of Reference, so certified, or a true Copy or Copies thereof, shall be and is and are hereby declared to be good Evidence in all Courts of Law or elsewhere, and the Clerk to the said Company of Proprietors for the Time being, upon Twenty-one Days Notice to him given for that Purpose, shall from Time to Time produce the Part of the said Map or Plan and Book of Reference in his Custody before the Commissioners to be appointed in Manner herein-after mentioned, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may then and there be given in Evidence, such Clerk to the said Company of Proprietors having a reasonable Sum of Money allowed for his Travelling Expences, Absence from Home, and Attendance on such Occasions.

Power to deviate One hundred Yards.

III. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal, shall

From the Line laid down in the Plan.

shall not deviate more than a hundred Yards from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, nor cut, carry, or convey the same Canal into, through, across, under, or over any Part or Parts of the several Lands or Grounds now or late belonging to, or reputed to belong to the said several and respective Persons named or described in the said Book of Reference, other than within the like Distance of One hundred Yards from such Part or Parts of such Lands or Grounds as are mentioned in the said Book of Reference, in that Respect, or belonging to any other Person not named in such Book of Reference, without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Lands and Grounds do or shall respectively belong; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any further Deviation above One hundred Yards from the said Course of Direction of the said Canal, in case all the Persons to whom the Lands, Grounds, and Hereditaments, to be cut through, or made use of for the Purposes of such Deviation, shall consent thereto.

Land Owners omitted in the Book of Reference not to obstruct making the Canal.

IV. Provided always, and it is hereby further enacted and declared, That the said Company of Proprietors shall and may make the said intended Canal into, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whomsoever, into whose Estates, Lands, or Grounds, such Deviations as aforesaid shall extend, although their Names are not mentioned in the said Book of Reference, or into the Estates, Lands, or Grounds of any Person or Persons, whose Name or Names shall appear to the Satisfaction of the said Commissioners, and be by them, or any Five or more of them, certified under their Hands to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons, to whom such last mentioned Estates, Lands, and Grounds do not belong, have or hath been by Mistake inserted therein, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Part of the Canal belonging to Messrs. *Reynolds* and Co. to be deemed Part of the *Shropshire* Canal on certain Conditions.

V. And whereas Messieurs William Reynolds and Company have at their own Expence made a Navigable Canal from the North End of the Shropshire Canal at Rockwardine Wood aforesaid, which terminates in certain Lands in the Parish of Wombridge, the Property of Saint John Charlton Esquire; and it hath been agreed by and between the said William Reynolds and Company and the said Company of Proprietors, that a Part of the said

Canal

Canal so made by the said William Reynolds and Company, and extending in Length, from the North End thereof at Rockwardine Wood aforesaid, One Mile and One hundred and eighty-eight Yards or thereabouts, shall be considered, deemed, and taken to be a Part of the Canal intended to be made to the Town of Shrewsbury aforesaid, by virtue of this Act, but nevertheless on the Terms and Conditions herein-after mentioned: Be it therefore further enacted, That that Part of the said Canal so made by the said William Reynolds and Company, from the North End of the said Shropshire Canal at Rockwardine Wood aforesaid, and extending in Length One Mile and One hundred and eighty-eight Yards, or thereabouts, shall be considered, deemed, and taken to be a Part of the Shrewsbury Canal hereby authorized to be made; and that it shall be lawful for the said Company of Proprietors, and they are hereby required to determine at their First Meeting to be held in pursuance of this Act, whether they will pay Messieurs Reynolds and Company One Moiety of the Money they shall bona fide have expended in making that Part of the said Canal of the Length aforesaid, commencing at the North End of the said Shropshire Canal at Rockwardine Wood aforesaid, and ending One hundred Yards beyond the Head of the intended Railway in Wombridge aforesaid, or whether the said Messieurs Reynolds and Company shall be paid by the said Company of Proprietors the Sum of Eight hundred and forty Pounds, in lieu and full Satisfaction of every Expence attending the making and completing the said Canal of the Length aforesaid.

Rates to be taken on the said Part of Messrs. *Reynolds* and Co.'s Canal.

VI. 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 of all Iron, Iron Stone, Coal, Stone, Timber, and other Goods, Wares, Merchandize, and Commodities whatsoever, which shall be navigated, carried, or conveyed by the said William Reynolds and Company on that Part of the said Canal so made by them as aforesaid, and which is intended to form a Part of the said Shrewsbury Canal, and which Iron, Iron Stone, Coal, Stone, Timber, or other Goods, Wares, Merchandize, and Commodities, shall be navigated, carried, or conveyed from that Part of the said Canal so made by the said William Reynolds and Company as aforesaid, upon or through the said Canal hereby authorized to be made, or any Part thereof, or the inclined Plane or Railway communicating therewith, such Rate as shall be

fixed by the said Company of Proprietors at a General Assembly, not exceeding Two-pence per Ton per Mile, and so in Proportion for any Quantity greater or less than a Ton, and so in Proportion for any Distance greater or less than a Mile: Provided always, That nothing herein contained shall extend, or be construed to extend, to charge the said William Reynolds and Company with Tonnage for any Iron, Iron Stone, Coal, Stone, Timber, or other Goods, Wares, Merchandizes, and Commodities whatsoever, which shall be navigated, carried, or conveyed on the said Canal so made by them as aforesaid, and which shall not be carried, navigated, or conveyed from thence on the said Canal hereby authorized to be made, or any Part thereof, or any Part of the inclined Plane or Railway communicating therewith.

Power to take Water from Mines.

VII. And whereas the making such Canal will be of considerable Advantage to the Owners and Occupiers of the several Coal Mines, and other Mines and Minerals already opened, and which may be opened contiguous or near to the said Canal; and it will be necessary, for supplying the said Canal with Water, that the Water to be raised by the Fire Engines or other Machines, now erected or to be erected for draining the said Mines, should be discharged into the said Canal: Be it therefore further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and impowered to have, divert, and take the Water to be raised or drained by Means of any Fire Engine, Machine, or Level now erected or opened, or to be erected, made, or opened in or upon any Lands or Mines within the Distance of Two Miles of the said Canal, after such Water shall have been used for the working of such Engines, or the other Works, Matters, and Things as the Owners or Occupiers of such Mines respectively shall now have erected, opened, or made, or shall hereafter erect, open, or make, without any Recompence or Satisfaction being made by the said Company of Proprietors for the Water so to be diverted and taken; and that it shall be lawful for the said Company of Proprietors, for the Purpose of supplying the said Canal with the said last mentioned Water, and for the conveying of the same thereto, to make any such Reservoir or Reservoirs, Tunnels, Trenches, Aqueducts, or Feeders, as they shall judge necessary, doing no Injury thereby to any Mines lying under or near to such Reservoir or Reservoirs, Trenches, Aqueducts, or Feeders, and making Recompence and Amends to the Owners and Proprietors

tors of the Lands in or through which the same shall be made, in Manner as herein is directed and provided for any Lands to be taken or used for the same, or for any Damage to be occasioned to any other Lands by reason of the making of any such Reservoirs, Trenches, Aqueducts, or Feeders.

To oblige the Proprietors of Fire Engines to lift their Water into the Canal.

VIII. And be it further enacted, That all Owners and Occupiers of Mines who shall at any Time or Times navigate or make Use of the said intended Canal, or any Part thereof, for the Purpose of conveying their Coals or other Minerals, or whose Coals or other Minerals shall be conveyed thereupon, shall and are hereby required to cause to be lifted and thrown up all such Water as shall from Time to Time be raised by any Fire Engine or Machine now erected, or hereafter to be erected or used for the Purpose of working their Mines, to such a Height or Level as may be sufficient to convey such Water into the said Canal, so as such Owners or Occupiers do not make Use of the same as aforesaid, and be not obliged to raise the said Water at their own Expence higher than may be necessary for draining and discharging the Water from their Mines; but that in case the said Company of Proprietors shall, for the Purpose of supplying the said Canal with Water, think it expedient that the Owners or Occupiers of any such Fire Engine or other Machine should raise the Water out of their Mines to a higher Level than may be necessary for draining and discharging such Water out of such Mines, and the Owners or Occupiers of Mines not using the same for the Purposes aforesaid, and shall give Notice in Writing under the Seal of the said Company of Proprietors, or under the Hand of their Clerk, requiring the said Water so under Level to be thrown into the said Canal, then, and in such Case, the Owners or Occupiers of such Fire Engines or other Machines shall be obliged to lift up such Water into the said Canal, agreeable to such Notice; and the said Company of Proprietors shall and they are hereby directed to make Compensation from Time to Time to the Owners or Occupiers of any such Fire Engines or other Machines for all extraordinary Expence they may thereby be put to, and for all Damages which shall be occasioned thereby to any Mines or other Works, either by an Annual Rent, or an Allowance in Gross, at the Option of such Owners or Occupiers; and in case the said Company of Proprietors, and the Owners or Occupiers of any such Fire Engines or other Machines, shall not agree upon such Compensation, the same shall be adjudged and determined

mined in Manner herein-after provided with respect to the Satisfaction to be made to the Owners of Lands to be taken for the Use of the said Canal; and in case the Owner or Occupier of any Fire Engine or other Machine shall at any Time during the Time such Fire Engine or other Machine shall be worked or used for the Purpose of draining the Water out of such Mines, refuse or neglect, after Notice in Writing for that Purpose to be given by the said Company of Proprietors, or their Clerk, to lift or raise the Water to be drained out of his or her Mines to the Height and Level of the said Canal, and in Manner herein-before directed, that then it shall be lawful for the said Company of Proprietors, from Time to Time, to hinder and prevent the Owner or Occupier of such Fire Engine or other Machine, and Mines, or any other Person or Persons, from navigating or conveying any Coal or other Minerals which shall be gotten from such Mines upon the said Canal, or any Part thereof, during the Refusal or Neglect of such Owner or Occupier as aforesaid, and for any further Time, not exceeding the Space of Two Calendar Months next after the said Water shall be conveyed to the said Canal, any Thing in this Act contained to the contrary thereof notwithstanding.

Power to make inclined Planes.

IX. Provided always, and be it further enacted, That in case the said Company of Proprietors shall judge it expedient that Boats or other Vessels, Waggons, or other Carriages, should be conveyed over or along any Part of the Line herein-before described for making the said Canal, by Rollers, inclined Planes, or in any other Manner than by Water, it shall be lawful for the said Company of Proprietors to cause any Rollers, inclined Planes, or other Works to be made for that Purpose, at such Parts and Places, within the Line herein-before described for making the said Canal, as they shall think proper, and the same shall be considered to be Part of the said Canal, in like Manner as if such Parts or Places were made navigable.

Houses, Gardens, &c. not to be injured, except in certain Cases.

X. Provided also, 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 April One thousand seven hundred and ninety-three, was the Scite of any House or other Building, or a Garden, Yard, Plantation, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed or adjoining to a House, without the Consent of the respective

respective Owners and Occupiers thereof, other than and except as herein-after particularly mentioned; (that is to say), A certain Garden, situate in the Parish of Withington, belonging to Samuel Ridgway, and now in his Occupation; which said Garden it shall be lawful for the said Company of Proprietors to make Use of for any of the Purposes of this Act, any Thing herein contained to the contrary hereof in anywise notwithstanding.

Restrictions relative to taking Waters

XI. Provided also, and be it further enacted, That nothing in this Act contained shall authorize or impower the said Company of Proprietors, or any other Person or Persons, to divert or take, for the Use or Supply of the said Canal, any Water from or out of the Donnington Wood Canal, or any of the Springs or other Sources which supply the same with Water, without the Consent of the Proprietors of the said Donnington Wood Canal, or to make any Reservoirs or Pens for Water in the Parish of Lilleshall.

XII. Provided also, and be it further enacted, That nothing in this Act contained shall authorize or impower the said Company of Proprietors, or any other Person or Persons, to divert or take, for the Use or Supply of the said Canal, any Water from or out of a certain Brook or Rivulet called Pimley Brook, or any of the Springs or Sources which supply a certain Pool in the Pleasure Grounds of John Corbet, of Sundorn in the said County of Salop, Esquire, with Water, without the Consent of the said John Corbet, his Heirs or Assigns, first had and obtained for that Purpose.

Company may take Rain Water and Land Floods.

XIII. Provided nevertheless, and be it further enacted, That nothing herein contained shall extend to hinder or prevent the said Company of Proprietors from having and taking, for the Use and Supply of the said Navigation, any Rain Water and Land Floods, by Means of the said Canal, or of any Reservoirs or Feeders to be made as aforesaid, as well as any Springs which may happen to arise in the Bed or Line of the said Canal and Reservoirs, and which will be necessarily intercepted in the making thereof, or to hinder or prevent the said Company of Proprietors from erecting any Engines or Machines upon any Brooks or Rivulets for the Purpose only of raising and conveying the Water from any Part of the said Canal below the Summit thereof respectively, to any other Part thereof, or to or from any Reservoir to be made for the Supply of the said Canal.

Regulations to take place in case of a Junction between

XIV. And be it further enacted, That in case a Junction shall at any Time hereafter take Place between the

 said

the *Shrewsbury* Canal and the *Donnington Wood* Canal.

said Donnington Wood Canal and the said intended Shrewsbury Canal, it shall be lawful for the Proprietors for the Time being of the said Donnington Wood Canal, and their respective Executors and Administrators, to take, use, and enjoy, to and for any Purposes they may think necessary and proper, the overflowing of the Water from the Upper Level of the said Shrewsbury Canal; and also that the Water in a certain other Part of the said Canal so made by the said Messieurs Reynolds and Company, on the Estate of the said Saint John Charlton, in the said Parish of Wombridge, and on the Ketley Side of the Stop (which is to be made and supported at the Expence of the said Company of Proprietors of the said Shrewsbury Canal) at the intended inclined Plane in Wombridge aforesaid, shall by the said Messieurs Reynolds and Company, their respective Executors and Administrators, be constantly kept Two Inches higher than the Water in the said Shrewsbury Canal; and that it shall and may be lawful for the Proprietors of the said Donnington Wood Canal, when and as often as they shall think it necessary, to lower the Water in the said Donnington Wood Canal Six Inches from the Height of the Weirs.

XV. And be it further enacted, That the said Donnington Wood Canal shall and may communicate, at Rockwardine Wood aforesaid, with the Canal authorized to be made by this Act, if the Proprietors of the said Donnington Wood Canal shall think proper.

XVI. And be it further enacted, That if such Junction as is herein-before mentioned shall take Place between the said Donnington Wood Canal and the said intended Shrewsbury Canal, then, and in such Case, the Water in the said Canals shall at all Times be kept to the same Level.

Breadth of the Canal and Towing Paths.

XVII. Provided always, and be it further enacted, That the Land or Ground to be taken or used for such Canal and Towing Paths, and the Ditches, Drains, and Fences to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty-six Yards in Breadth, measured horizontally, except where the Canal 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, except the Canal Bason at the Termination of the said Canal in Shrewsbury.

XVIII. And

XVIII. And be it further enacted, That after any Lands, Tenements, or Hereditaments shall be set out and ascertained for making the said Canal, 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 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 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 or appoint, for the Purposes of this Act, such Lands, Tenements, or Hereditaments which shall 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 hereinafter 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 Sum of 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; and all Bodies Politick, Corporate, or Collegiate, and other Persons 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, (other than those which concern any Purchase or Exchange between any such respective Land Owners), shall, at the Expence of the said Company of Proprietors, be inrolled by the Clerk of the Peace for the said County, and true Copies thereof, signed by such Clerk of

Corporations, &c. impowered to sell Lands.

of the Peace, shall be allowed to be good Evidence in all Courts whatsoever; for which Inrolment he shall have and receive the Sum of Sixpence for every Two hundred Words, and so in Proportion for any less Number of Words, and no more.

Company not to be entitled to Coal or other Minerals found in making the Canal.

XIX. Provided nevertheless, That nothing in this Act contained shall entitle the said Company of Proprietors, on purchasing any Lands or Grounds for making the said Canal, or for any other the Purposes aforesaid, to any Mines of Coal, Ironstone, or other Minerals which shall be found in cutting or making the said Canal and other Works aforesaid, or that shall be under the same, but that all such Mines shall appertain and belong to such Person or Persons as would have been entitled to the same in case this Act had not been made.

Commissioners.

XX. And be it further enacted, That all Persons residing in the County of Salop, and seised of Freehold or Copyhold Estates of One hundred Pounds per Annum, within the County of Salop, or possessed of the Principal Sum of Two thousand Pounds in the Stocks or publick Funds, or on Mortgages, Leases, Bonds, or Specialty Securities for Money, 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 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,

Their Power.

or any other 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, 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, Reservoirs, Trenches, or Sluices, or over or through any Passages, Gutters, or Watercourses, which shall be made by virtue of this Act, for conveying Water to or from the said Canal, or by turning, diverting, or taking any Brooks, Springs, or Streams of Water into the said Canal, 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, or if any such Body Politick, Corporate, or Collegiate, Trustees, or other 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 Trustees 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 of Salop, 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 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 to impannel, summon, and return a Jury, and

the said Sheriff or Coroner is hereby required accordingly to impanel, summon, and return a Jury of Twenty-four 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; 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 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 a Witness or Witnesses touching the Matter 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 Matter in Controversy, and the said 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 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 upon and against all Bodies Politick, Corporate, or Collegiate, and all other Persons whomsoever; and if any such Sheriff or Coroner, or his Deputy or Agent, shall make Default in the Premises, he 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 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, having

Penalty of Sheriff, &c. making Default.

no reasonable Excuse, to be allowed by the said Commissioners, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

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

XXI. And be it further enacted, That whenever a Jury is or shall be called by the Commissioners as aforesaid, or any Witness or Witnesses is or shall be examined by and before the said Commissioners alone, or by and before the said Commissioners and Jury jointly, as herein-before directed, the said Commissioners shall, and they are hereby required, according to their Discretion, to give and award to each of the said Jurors and Witnesses in every such Case such several and respective Sum and Sums of Money as shall be a reasonable Recompence for the Expences and Trouble of their Journey and Attendance; and in each and every Case, where a Verdict shall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Mills, Waters, or other Hereditaments of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands or other Hereditaments, or Property, than had been previously offered by or on Behalf of the said Company of Proprietors before the Meeting of the said Commissioners, or than had been by them determined and assessed as aforesaid, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof by and on Behalf of the said Company of Proprietors, or where, by reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at Hand who may be legally capacitated to enter into a Contract with, and make Conveyances to or receive Compensations from the said Company of Proprietors as herein-before mentioned, then, and in all such Cases, all the Expences of calling such Commissioners, summoning such Jury, and taking such Verdict, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum or Rent that had been previously offered by or on Behalf of the said Company of Proprietors, or had been so determined or assessed by the said Commissioners, or for a less Sum than had been so previously offered, determined, or assessed, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only, or in case of no such Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from, the said Company of Proprietors,

prietors, by any Bodies Politick, Corporate, or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act or otherwise, legally capacitated to treat and convey, or receive such Compensation as aforesaid, then, and in all such Cases (except where, by reason of Absence or otherwise, any Person shall have been prevented from treating and agreeing as aforesaid) the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Verdict, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes, which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged.

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

XXII. Provided always, 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, 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 to Commissioners.

XXIII. Provided also, 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.

sustained, or the doing or committing thereof shall have ceased.

Penalty on giving false Evidence.

XXIV. And be it further enacted, That every Person who in any Examination to be taken by virtue of this Act shall wilfully give false Evidence before the said Commissioners, or any of them, or before any such Jury as aforesaid, shall be subject to such Punishments and Disqualifications as any Person is or shall be subject to for wilful and corrupt Perjury by the Laws and Statutes of this Realm.

Verdicts to be recorded.

XXV. 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 Clerk of the Peace amongst the Records of the Quarter Sessions of the Peace for the County of Salop, 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 after the Rate of Sixpence for every Two hundred Words; and that upon Payment of such Sum or Sums of Money, or giving such Security as the said Commissioners shall approve for Payment of any such Annual Rent as shall be contracted or agreed for between the Parties, or determined and adjusted, or assessed 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 ascertained, or shall refuse to accept such Money, or the Security for such Rent, then upon Payment and Delivery 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 or delivered upon Demand, without Fee or Reward, to such Proprietors or Persons respectively as aforesaid, 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

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

Use such Money or Rent shall be paid or secured 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 or Security shall not only bar all Right, Title, Interest, Claim, and Demand of the Persons to whose Use the same shall be made or granted, 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.

Application of the Purchase Money belonging to Corporations, &c.

XXVI. 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 of any Lands, Tenements, or Hereditaments as aforesaid, shall, in case the same shall exceed the Sum of Twenty Pounds, 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 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

chase 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 the several Persons interested.

XXVII. And be it further enacted, That the said Commissioners may, and 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.

Compensation to be made for Tithes.

XXVIII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors, for all the Tithes, both great and small, which would have been issuing from or out of any of the Lands which shall be taken or made Use of for the Purposes of this Act, to the several Persons who now are or at any Time hereafter might have become entitled to such Tithes according to their respective Interests therein, such Tithes to be estimated at the Average Value of the Four Years commencing at Michaelmas Day One thousand seven hundred and eighty-eight, and ending at Michaelmas Day One thousand seven hundred and ninety-two, such Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands or other Hereditaments is hereinbefore directed to be ascertained: Provided always, That such Recompence and Satisfaction shall be made to Spiritual Persons by an Annual Rent.

Annual Rents charged upon the Rates.

XXIX. And be it further enacted, That such Annual Rents or Sums as shall be agreed upon or settled and ascertained

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 Annual Rents or Sums shall be due, until such Annual 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 Annual 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 upon the said Canal, 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 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 Company of Proprietors, 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 Cases of Distress for Rent.

Proprietors may raise 50,000 *l.* to carry on the Work.

XXX. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst 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 the Reservoirs, Feeders, Ways, Quays, Wharfs, and other Works and Conveniences to the same belonging or requisite, not exceeding in the Whole the Sum of Fifty thousand Pounds (except as herein-after mentioned); 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 for 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 other the Purposes of this Act, and to or for no other Use, Intent, or Purpose whatsoever.

The Money to be divided into 500 Shares;

XXXI. And be it further enacted, That the said Sum of Fifty thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, shall be divided into Five hundred equal Parts or 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 Five hundred Shares shall be, and 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 Sums 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 respectively subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Navigation, shall be entitled to and receive, after the said Navigation shall be completed, the entire and neat Distribution of One Five hundredth Part of the Profits and Advantages that shall and may arise and accrue by the Rates and other Money to be raised, recovered, or received, by virtue of this Act, and so in Proportion for any greater Number of Shares; and every Body Politick and Corporate, and every other Person, having such Property of One Five hundredth Part or Share, or more, in the said Undertaking, shall bear and pay an adequate and proportionable Sum of Money towards carrying on the said Undertaking, in Manner herein-after directed.

to be deemed Personal Estate.

If 50,000*l.* not sufficient, 20,000*l.* more may be raised by Calls upon themselves.

XXXII. And be it further enacted, That in case the said Sum of Fifty thousand Pounds herein-before authorized to be raised, shall be found insufficient for the making, completing, and maintaining the said Canal, 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 amongst themselves, in Manner and Form aforesaid, any further Sum of

Money, for the Purposes aforesaid, not exceeding the Sum of Twenty thousand Pounds, which Sum shall be raised by Calls upon the said Company of Proprietors possessed of the said Five hundred Shares, as aforesaid, which said Five hundred Shares, and the Owners thereof, are hereby declared to continue to be, in respect of the said Sum of Twenty 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 Five hundred Shares, and the Persons making Default in Payment thereof, are herein-after subject and liable to, in respect of the said Sum of Fifty thousand Pounds.

Power to raise the 20,000*l.* by Mortgage.

XXXIII. Provided always, That in case the said Company of Proprietors shall be desirous of raising the said Sum of Twenty 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 any General Assembly of the said Company, to borrow and take up at Interest the said Sum of Twenty 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 the Committee of the said Company, after an Order of any General Assembly, are hereby fully authorized and impowered to assign the Property of the said Navigation, and the Rates granted to the said Company of Proprietors, by this Act, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed as aforesaid, 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, in the Form or to the Effect following; (that is to say);

Form of Mortgage.

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 do hereby bargain, sell, and assign unto the said Executors, Administrators,

tors, and Assigns, the said Navigation, and all and singular the Rates granted unto us by the said Act, and all our Right and Interest therein respectively, to hold unto the said 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, and 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 in the Words or to the Effect following: Mortgages may be transferred.

I [*or* we] do hereby transfer a certain Mortgage made by the Company of Proprietors of the *Shrewsbury* Canal Navigation to bearing Date the Day of for securing the Sum of and Interest, and all my [*or* our] Right and Property therein, to Executors, Administrators, and Assigns. Dated this Day of Form of Transfer.

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, or their Executors, Administrators,

Administrators, and Assigns, to the full Benefit thereof.

Interest upon Mortgages to be paid prior to Dividends.

XXXIV. 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 or 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.

Proprietors to receive 5*l.* *per Cent.* until Canal be finished.

XXXV. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby required, out of the Money to be raised as aforesaid, during the Time the said Canal, and all Things necessary for making, completing, and maintaining the same, shall be carried on, and until the same shall be completed and finished, to pay unto every Body Politick, Corporate, or Collegiate, and to the several other Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in any Sum or Sums of Money towards carrying on and completing the said Navigation, Interest for the Money so subscribed and paid, after the Rate of Five Pounds per Centum per Annum, from the Time that each of such Sums shall be respectively advanced and paid in pursuance of this Act, unless the Majority of the said Company of Proprietors, present at any General Assembly of the same Proprietors, shall resolve or determine that such Interest shall not be paid, or that a lower Rate of Interest shall be paid in respect of such Sum or Sums of Money.

Subscribers to have a Vote for every Share.

XXXVI. And be it further enacted, That every Person, who shall, by virtue of this Act, have subscribed for or become entitled to One Share, or more, in the said Navigation, shall be deemed a Proprietor for every such Share, and shall have a Vote for every such Share in the General and Special Assemblies, to be held as hereinafter appointed, for carrying on the said Undertaking, which may be given by him or her, or by his or her Proxy, duly constituted under his or her Hand and Seal; and every such Vote by Proxy shall be as good, to all Intents and Purposes, as if such Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed, discussed, or considered in any General or Special Assembly of the said Company of Proprietors to be held by virtue of this Act, shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every Share; provided nevertheless,

that no Person shall give or deliver more Proxies than for Five absent Proprietors; the Appointment of which Proxy shall and may be in the Words or to the Effect following:

I of One of the Proprietors of the *Shrewsbury* Canal Navigation, do hereby nominate, constitute, and appoint of to be my Proxy, in my Name and in my Absence to vote and give my Assent or Dissent to any Business, Matter, or Thing relating to the said Navigation and Undertaking, that shall be mentioned or proposed at any Meeting of the Proprietors of the said Navigation, or any of them, in such Manner as he the said shall think proper, according to his Opinion and Judgement, for the Benefit of the said Navigation and Undertaking, or any Thing appertaining thereto. In Witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord

Form of the Appointment of a Proxy.

XXXVII. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act into Execution shall be held at The Talbot Inn, in Wellington, in the County of Salop, on Monday the First Day of July One thousand seven hundred and ninety-three, and the next General Assembly of the said Company of Proprietors shall be held on the First Friday in October then next, and all future General Assemblies of the said Company of Proprietors shall be held on the First Friday in October in every Year for the future, or on some Day within Fourteen Days after, which shall be fixed at the preceding General Assembly, to be held at such Place as shall be then agreed upon, at or before Twelve of the Clock of the Forenoon on the said Days; at which said General Assemblies the Proprietors assembled, together with such Proxies as shall be then present, shall choose Eleven Persons, who are for the Time being Proprietors of Five or more Shares in the said Navigation, out of whom any Five or more of them shall 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 Five or more Proprietors possessed of Five Shares each, 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 them to cause Notice to be given thereof in some Two or more

First and other General Assemblies.

General Assemblies for choosing Committees.

Newspapers published or circulated in the County of Salop; 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, 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.

XXXVIII. Provided always, That such Committees 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 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.

XXXIX. 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 any Committee during the Time of his Continuance in such Place, Office, or Employment.

Accounts to be kept by Committees.

XL. And be it further enacted, That proper Books of Accounts relating to the said Undertaking shall be kept, and that 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 250 Shares.

XLI. And be it further enacted, That if at any such General Assembly there shall not be Persons present at the Hour of One in the Afternoon of the same Day who have Two hundred and fifty such Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time; but in such Case such General Assembly shall be adjourned to be held at the same Place, upon that Day Three Weeks, and so from Time

Time to Time until the Proprietors of such Number of Shares as aforesaid shall be present, and such Choice shall then be made of Persons to be of the Committee, as ought to have been made on the Day for holding such General Assembly, had there been a sufficient Number of Votes present; and the Persons then chosen to be of the said Committee shall have the same Power which they would have had, and shall continue in such Office until such Time as they would have done, had they been chosen on the Day for holding such General Assembly; and in case of Failure of the Meeting of the Persons having Two hundred and fifty Votes, as Principals or Proxies, at any such General Assembly, all such Principals who shall not be present at any Adjournment thereof, 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, the Sum of Five Pounds, 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.

Powers of General Assemblies.

XLII. And be it further enacted, That every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on Account of the said Navigation, by the Treasurer, Receivers, and other Officers to be by them appointed, or any other Persons 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 present, having, either as Principals or Proxies, a Majority of Votes, 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 Ten 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

Materials for the Use of the said Navigation and other Works, 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 One Calendar Month's Notice at least shall be given by publishing the same in some Two or more such Newspapers as aforesaid, 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 Calendar Months after the Time appointed for Payment thereof as aforesaid, then he or she neglecting or refusing shall forfeit his or her Share, Part, and Interest in the said Undertaking, and all Profit and Advantage thereof, and all Money advanced by him or her 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.

Proprietors not answering Calls, subject to a Penalty, or Forfeiture of their Shares.

Proprietors to have Notice before their Shares are forfeited.

XLIII. 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 to the said Company of Proprietors, to the Owner thereof, nor unless the same shall be declared to be forfeited at the First General Assembly of the said Company of Proprietors, to be held after such Forfeiture shall happen; and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor so forfeiting,

against

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.

Company may remove Committee-men, &c.;

XLIV. And be it further enacted, That the said Company of Proprietors shall have Power and Authority to remove and displace any Person or 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 amongst themselves, as to them shall seem meet, (the Method of calling General Assemblies, and their Time and Place of meeting, of voting, and appointing Committees, only excepted); and the said Company of Proprietors shall also have Power to make such new Rules, Bye Laws, and Orders, for the good Government of the said Company, their Agents and Workmen, for the making, maintaining, and using the said Canal, and the Tunnels, Locks, and other Works belonging thereto, and for the well governing of the Bargemen, Boatmen, and Watermen who shall be employed in the conveying of any Goods, Wares, and Merchandizes upon the said Canal, and to impose and inflict such reasonable Fines or Forfeitures upon Offenders against such new Rules, Bye Laws, or Orders, as to the said Company of Proprietors shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity, to justify all Persons who shall act under the same, provided the same are not repugnant to the Laws of the Realm.

and make Bye Laws.

Proprietors dying before Shares completed, Executors may complete the Payments.

XLV. 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 or 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 Proprietor, shall be indemnified against such Infant, and all other Persons whomsoever, for paying any Mo-

hey, 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, authorized, 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.

XLVI. And be it further enacted, That it shall be lawful for any of the Proprietors of the said Navigation, after the Sum of Five Pounds on each Share shall have been paid into the Hands of the Treasurer to the said Navigation, and not before, to sell or dispose of any Share or Shares he, she, or they shall 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 to be kept by the Clerk for that Purpose, for which no more than One Shilling shall be paid; and the said 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 said 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 Navigation and Undertaking.

Directing what shall be done on Alienation of Shares by Death or Marriage.

XLVII. And whereas much Inconvenience may arise by the frequent Transfer of the Right and Title to the Shares of and in the said intended Canal, by the Marriage and Death of Proprietors; and it may be difficult to ascertain to whom the Dividends arising or becoming due

due upon such Shares ought to be paid, and do belong: Be it therefore further enacted, That before any Person or Persons, who shall claim any Part or Share of the Profits of the said intended Canal in Right of Marriage, shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person, before One of the Judges at Westminster, a Master in Chancery, or One of his Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the entering of Transfers of Shares in the said intended Canal; and that before any Person or Persons, who shall claim any Part or Share of the Profits of the said intended Canal, by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, shall be produced and shewn to the said Clerk, or an Affidavit, containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration, in case the Proprietor shall have died intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects, (as the Case may happen to be), before One of the Judges at Westminster, a Master in Chancery, or One of his Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk, who shall file and enter the same in Manner herein-before mentioned.

XLVIII. Provided always, That after any Call of such Monies 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 Monies called for upon his or her Share so to be sold shall be paid; and every Person making Default herein shall forfeit such his or her Share 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 being first notified and declared at a General Assembly, in Manner above directed.

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

XLIX. And

XLIX. And be it further enacted, That every Bargain and Sale, or Transfer of the said Shares shall be in the Form or to the Purport and Effect following:

Form of Transfer of Shares.

I *A. B.* in Consideration of paid me by *C. D.* do hereby bargain, sell, and transfer to the said *C. D.* Executors, Administrators, and Assigns, Share in the *Shrewsbury* Canal Navigation, to hold to the said *C. D.* Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions that I held the same immediately before the Execution hereof: And I the said *C. D.* do hereby agree to accept of the said Share, subject to the same Rules, Orders, and Conditions.

Witness our Hands and Seals, the Day of in the Year of our Lord

Officers to be appointed.

L. 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 and Clerk, and such other Officers as they shall think necessary, and to take such sufficient Security from every such Treasurer and other Officer, having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of his Office, as the said Company of Proprietors shall think proper, and from Time to Time to remove any such Treasurer and Clerk, and every such Clerk shall, in a 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 of, or entitled to any Share therein, and of all the Acts, Proceedings, and Transactions of the said Company of Proprietors, and of the said Committee, in the Execution of this Act; and that every Proprietor of the said Navigation and Undertaking shall and may, 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 any 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

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 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.

LI. 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 the said Commissioners) shall be deemed Originals, and admitted as Evidence in all Courts whatsoever; and the said Commissioners may, and are hereby required, at the First Meeting to be held by them for the Purposes of this Act, to appoint, out of Three Persons to be nominated by the said Company of Proprietors, such One of the said Three Persons as they the said Commissioners shall think proper, to be Clerk to the said Commissioners, and from Time to Time remove such Clerk, and appoint another in his Stead out of 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.

LII. 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 Iron, Iron Stone, Coal, Stone, Timber, and other Goods, Wares, Merchandize, and Commodities whatsoever, which shall be navigated, carried, or conveyed upon or through the said Canal, such Rate as shall be fixed by the said Company of Proprietors at a General Assembly, not exceeding Two Pence per Ton per Mile, and so in Proportion for any Quantity greater or less than a Ton, and so in Proportion for any Distance greater or less than a Mile, and which Rate shall be equal throughout the whole Length of the said Canal.

Tonnage on inclined Planes.

LIII. 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 of all Iron, Iron Stone, Coal, Stone, Timber, and other Goods, Wares, Merchandize, and Commodities whatsoever, which shall be carried

or conveyed over or along any Parts of the Line hereinbefore described for making the said Canal, by Rollers, inclined Planes, or in any other Manner than by Water, (and the said Company of Proprietors are hereby required to convey such Goods, Wares, Merchandize, and Commodities whatsoever, over or along such inclined Planes), such Rate as shall be fixed by the said Company of Proprietors at a General Assembly, not exceeding One Penny per Ton, and so in Proportion for any Quantity greater than a Ton.

When such Tonnage to cease.

LIV. Provided always, and be it enacted, That when the clear Profits to arise from the said Canal shall amount to the Sum of Eight Pounds per Centum, the Tonnage for all Iron, Iron Stone, Coal, Stone, Timber, and other Goods, Wares, Merchandize, and Commodities whatsoever, which shall be carried or conveyed by Rollers, inclined Planes, or in any other Manner than by Water, shall cease and be no longer payable.

No Rates for Manure when Water in the Canal is of a certain Height.

LV. Provided always, That no Tonnage whatever shall be paid or payable by virtue of this Act, for or in respect of any Manure (other than and except Lime) brought or navigated upon or along the said intended Canal at any Time; but that no Boat loaded with Manure shall pass any of the said Locks, when the Water in the said Canal shall be half an Inch under the Weirs.

Rates for Boats having less than Eight Tons of Lading.

LVI. Provided always, and be it further enacted, That every Boat or other Vessel unladen, or having on Board a less Quantity of Lading than Eight Tons, and passing through or over any of the Locks, Rollers or inclined Planes, to be made by virtue of this Act (except Boats and other Vessels returning after having been discharged of their Cargoes), shall be subject to the like Rates as would be payable for such Boat or other Vessel if the same had on Board Eight Tons.

Fractions of a Quarter of a Mile to be taken as a Quarter, and the same of a Ton.

LVII. Provided nevertheless, That in all Cases where any Boat or other Vessel shall be navigated or pass by any Post or Mark, or Place where such Post or Mark should have stood, or have been fixed on the Side of the said Canal, describing and regulating the Length of a Quarter of a Mile, the full Tonnage shall be paid for a Quarter of a Mile, although the said Boat or other Vessel shall not pass the full Quarter of a Mile; and that in all Cases where the Weight of Lading in any Boat or other Vessel so to be navigated on the said Canal shall not make up an even Quarter of a Ton, yet One full Quarter of a Ton shall be paid for to the said Company of Proprietors.

LVIII. And

LVIII. And be it further enacted, That the 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, 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 and 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. Recovery of Rates.

LIX. And be it further enacted, That if any Iron, Iron Stone, Coal, Lime, or other Goods 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 Six Calendar Months, 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 Iron, Iron Stone, Coal, Lime or other Goods, or in case of Dispute concerning such Allowance, the same shall be ascertained and adjusted by the said Commissioners. Payment for Wharfage for certain Articles.

LX. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time, at any General Assembly to be 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 to be fixed 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 Rate of Two-pence per Ton per Mile herein-before granted, and that no Reduction of the said Proprietors may alter Rates.

Rates shall be made without the Consent of the Proprietors possessed of at least Two Thirds of the Shares in the said Navigation and Undertaking.

Company impowered to lease the Rates.

LXI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and impowered, at any of their stated or special Assemblies, by Writing under their Common Seal, at any Time or Times, to let to Farm by Auction the Rates hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Canal, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any Lease, and every such Lease shall be valid and effectual, and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall during the Continuance of every such Lease be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors, provided publick Notice of the Intention to let the said Tolls, or any Part thereof, be given by Writing by the said Committee, or any Five or more of them, or their Clerk, by Advertisements published and continued in such Newspapers at least Twenty-one Days prior to any such General Assembly at which the said Rates, or any Part thereof, are proposed to be let as aforesaid.

Masters of Boats to give Account of Particulars of Lading.

LXII. And, for the more easy collecting the said Rates, be it further enacted, That the Master, Owner, or Person having the Care of every Boat and other Vessel navigating upon the said Canal, 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 such Boat or Vessel, from whence brought, and where the same are intended to be landed; and in case any such Person shall neglect or refuse 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 Ten Shillings a Ton for every Ton of Goods, Wares, or Merchandizes, and so in Proportion for any less Quantity than a Ton, which shall be in such Boat or other Vessel respectively, of which Account shall be so refused

refused to be given, or of which such false Account shall be given, or which shall be delivered out as aforesaid, as the Case shall 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, &c. shall be deemed a Ton.

LXIII. And, for the better ascertaining the Tonnage of Timber to be charged with the Payment of the said Rates; be it further enacted, That Forty Feet of Oak, Ash, Elm, or Beech Timber, and Fifty Feet of Fir or Deal Balk, Poplar, or Birch, not cut into Scantlings, shall be deemed, rated, and estimated as and for One Ton Weight; and that there be always Six Score to the Hundred of every Ton of Coal or Iron Stone, Merchandize and other Things.

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

LXIV. 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, Wares or Merchandize, 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, or gauge, or cause to be weighed, measured, or gauged, all such Goods, Wares, and Merchandize, 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 ascertained 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 weighing, measuring, and 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, Wares, and Merchandize 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, Wares, and Merchandize, 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.

Weight of the Lading of Vessels to be marked.

LXV. And, for preventing Disputes touching the Weight of the Lading on Board any Boat or Vessel passing upon the said Canal, be it further enacted, That the

the Masters or Owners 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, in Copper, Lead, or other Metal as aforesaid, or painted in large Capital Letters, shall also, by such Masters or 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 wilfully navigate the same upon the said Canal without having such Index and Name thereon, or shall alter, deface, or destroy the same, or any Part thereof, or shall fix any false Index or Name, he shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds, nor less than Forty Shillings.

Boats to be gauged.

LXVI. And be it further enacted, That the Owner or Master of every Boat or other Vessel navigating upon the said Canal 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 or other Vessel 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 such Boat or other Vessel, who shall refuse to permit and suffer the same to be gauged or measured as aforesaid, shall for every such Offence forfeit and pay a Sum not exceeding Five Pounds, nor less than Forty Shillings.

Boat Master accountable for Damage done by the Crew.

LXVII. And be it further enacted, That the Master or Owner of every Boat or other Vessel navigated upon the said Canal shall be and is hereby made answerable for any Damage, Spoil, or Mischief, that shall be done by his Boat or other Vessel, or any of the Boatmen or Watermen belonging to or employed in or about the same respectively, unto any of the Bridges, Weirs, Locks, Banks, Dams, Engines, or other Works, in, upon, or near to the said Canal, or the Trenches, Aqueducts, 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,

Lands, or Tenements adjoining to the same, or any of them; and such Master or Owner 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 Treble Costs of Suit.

Masters to recover back from their Servants any Sums paid for their Neglect or Default.

LXVIII. And be it further enacted, That in case the Owner or Owners of any Boat, Barge, or other Vessel navigating on the said Navigation, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage by Reason of any wilful Neglect or Default done or committed by his or their Servant, such Servant shall be liable to repay such Penalty or Satisfaction to such Owner or Owners; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner or Owners of the Payment by him or them of such Penalty or Satisfaction, and that the same hath not been repaid to him or them by such Servant, although demanded (such Oath to be made before One Justice of the Peace for the County where such Penalty and Satisfaction shall have been recovered), the same Penalty and Satisfaction shall be levied, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction, when recovered, shall be paid to such Owner or Owners in Discharge of such Penalty and Satisfaction so by him or them paid for the wilful Act or Default of such Servant as aforesaid; and in case no sufficient Distress can be had, such Justice of the Peace shall, and is hereby required to commit such Servant to the House of Correction for the said County of Salop, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months.

Navigation to be free upon Payment of Tolls.

LXIX. Provided always, and be it further enacted, That all Persons whomsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways belonging to the said Company of Proprietors (except the Towing Paths) for the conveying of Goods, Wares, Merchandize, and other Commodities to or from the said Canal, and any Wharfs, Quays, or Landing Places belonging thereto, without paying for the same, and also to navigate upon the said Canal 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,

Wares, Merchandize, and Commodities, and the said Towing Paths for the haling and drawing such Boats and other Vessels, upon Payment of the Rates hereinbefore granted.

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

LXX. 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 Towing Paths, to divide and separate, and keep constantly divided and separated, the Towing Paths on the Sides of the said Canal, and the Trenches, Feeders, or Passages hereby authorized to be made, or such Parts of such Trenches, Feeders, or Passages as shall be found necessary by the said Commissioners, from the Lands or Grounds adjoining to such Towing Paths, Trenches, Feeders, or Passages, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or 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 the Feeders, 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 make proper and convenient Watering Places for Cattle, where, by means of the said Canal or other Works hereby authorized to be made, Cattle shall 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, Grounds, Mills, or Hereditaments adjoining to such Canal, Feeders, Trenches, Aqueducts, and Towing Paths, or any of them respectively: And that the said Company of Proprietors shall not make the said Canal, or any Feeder, Trench, or Watercourse, 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

Bridle Way, or Path, and of such Dimensions, and in such Manner, as the said Commissioners shall judge 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 TowingPaths, &c. Land Owners may do it at the Company's Expence.

LXXI. And be it further enacted, That in case the said Company of Proprietors shall refuse or neglect 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, or other Passages, over, under, or by the Side of, or into the said Canal, and the said Trenches, Streams, and Watercourses as aforesaid, or to make such Watering Places for Cattle as herein-before directed, 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 aforesaid, for the Space of Six Calendar Months next after the Time to be appointed for those Purposes by the said Commissioners, or after Notice shall be given, by or on the Behalf of the Owners or Occupiers of any such Lands, Grounds, Mills, or Hereditaments, who shall find themselves aggrieved by any such Refusal or Neglect, it shall be lawful for any such Owners or Occupiers to make, erect, and set up such Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, and other Conveniences as aforesaid, as the said Commissioners, 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 the Banks thereof, or the Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner, than is absolutely necessary for the doing thereof; and all the reasonable 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,

ment, 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, 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.

LXXII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or Hereditaments, through which the said intended Canal 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, or other Passages, over, under, or by the Side of the said Canal, or the Towing Paths, Aqueducts, or Feeders belonging thereto, or 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, or 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, 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, Drains, Passages, Arches, Culverts, Watering Places, or 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 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.

LXXIII. And

LXXIII. 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, 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 the same shall not be remedied within One Calendar Month after Notice for that Purpose given to such Owner or Occupier, by the Clerk to the said Company of Proprietors, it shall be lawful for the said Company of Proprietors, having an Order in Writing for that Purpose from the said Commissioners, 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.

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

LXXIV. And whereas it may happen from Floods, or from some unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Reservoirs, Trenches, or other Works of the said Navigation, may be damaged or destroyed, and the adjacent Lands, and Property thereon, thereby damaged, and that it may be necessary the same should be immediately repaired, or rebuilt, to prevent such Damages; be it therefore further enacted, That when and as often as any such Case may happen, it shall be lawful for the said Company of Proprietors, from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into any Lands, Grounds, or Hereditaments, adjoining or near to the said intended Canal, Cuts, Sluices, Reservoirs, or Trenches, or any of them, (not being the Ground whereon any House stands, nor being an Orchard, Plantation, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House), and to dig for, work, get, carry away, and use all such Stones, Gravel, and other Materials as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Works

Works damaged by Floods to be repaired immediately.

Works will admit of, and making Recompence for such Damages to the Owners and Occupiers of, or other Persons interested in such Lands, Grounds, Property, or Hereditaments, within the Space of Three Calendar Months next after the same shall be demanded, for all Damages which shall or may be done by Means of the digging for, getting, working, taking, carrying away, and using such Stones, Gravel, and Materials, or any of them, which Damages, and the Satisfaction and Recompence in respect thereof, shall be settled, adjusted, assessed, ascertained, and determined by the Ways and Means herein prescribed, with respect to other Damages done by the making and completing the said Navigation.

Coals, &c. found in digging the Canal, to be laid and may be taken by the Owners.

LXXV. And be it further enacted, That all Coals, Lime Stone, Iron Stone, and other Minerals which shall be found and dug up in making the said Canal, and any other Works hereby authorized to be made, shall be laid upon the Surface of the Land, in some convenient Place near the said Works, at the Expence of the said Company of Proprietors; and it shall be lawful for the Persons in whose Land such Coals, Lime Stone, Iron Stone, and other Minerals, shall be found and dug up, to take, carry away, and dispose of the same, to and for their own Use and Benefit; and that it shall be lawful for the Proprietors of any such Mines, Lime Stone, Iron Stone, and other Minerals which shall or may be discovered or cut in any Tunnel or Aqueduct which shall be made by virtue of this Act, to make a Sough or Drain to water or drain the remaining Part of such Mines or Minerals, and to discharge the Water arising or flowing from the same into such Tunnel or Aqueduct, provided that such settling Places be made at convenient Distances in every such Sough or Drain as shall be approved and directed by the said Company of Proprietors, or their Engineer; and the same shall be cleansed as often as shall be necessary, at the Expence of the Person or Persons to whom the same shall belong, in order to prevent the Mud and Earth from being conveyed into such Tunnel or Aqueduct, provided that such Part of the said Sough or Drain shall be under or within the Distance of Ten Yards from such Tunnel or Aqueduct on either Side thereof shall not exceed Four Feet in Breadth, and that the same shall be made under the Direction and Inspection of some Engineer belonging to the said Company of Proprietors; and that no Owner or Proprietor of any Mines or Minerals, their Workmen or Servants, or other Persons, shall open or carry on any Works for digging,

digging, getting, or discovering, such Mines or Minerals under any Tunnel to be made by virtue of this Act, or within Ten Yards of the same, without the Consent of the said Company of Proprietors; and that no Water shall be taken or drawn off lower than the Level of the Water in the said Canal, by any Works to be made for getting such Coals, Lime Stone, Iron Stone, and other Minerals, within Ten Yards of such Tunnel or Aqueduct, unless such Water shall be returned into the said Canal through such Tunnel or Aqueduct; and that no Owner or Proprietor of any Mines or Minerals, his Workmen or Servants, or other Person whomsoever, shall on any Account open, dig, sink, or carry on any Work for the getting of Coal, Lime Stone, Iron Stone, or other Minerals; nor shall any Coal, Lime Stone, Iron Stone, or other Minerals, be got under or within the Distance of Ten Yards from the said intended Canal, or any Reservoir or Towing Path to be made as aforesaid, except as herein-after mentioned, without the Consent of the said Company of Proprietors, in Writing, under their Common Seal, for that Purpose first had and obtained.

Manner of working Mines under the Canal.

LXXVI. Provided nevertheless, That when any Mine of Coal, Iron Stone, or other Mineral, or any Vein thereof, shall extend beyond the Limits herein-before allowed for working the same, it shall be lawful for the Owner of any such Mine, without any such Consent as aforesaid, from Time to Time to make sufficient and necessary Gateways, Headways, or Tunnels, and also sufficient and necessary Air and Water Gutters on each Side of such Gateways, Headways, or Tunnels, under the said Canal, and any such Reservoirs and Towing Paths, and also under any Ground where such Owners are restrained from working as aforesaid, and to dig, make, and get such Coal, Iron Stone, or other Minerals beyond such Limits, so as such Gateways do not exceed Seven Feet in Height, nor Seven Feet in Breadth, and so as such Headways or Tunnels do not exceed Four Feet and an Half in Height, nor Four Feet and an Half in Breadth, and so as such Air and Water Gutters on the Sides of such Gateways, Headways, or Tunnels, do not exceed Forty-eight Inches in Height or Breadth, and so as that all such Gateways and Headways are not made nearer together than Nine Feet.

Method of discovering when Mines are working contrary to the Directions of the Act.

LXXVII. And, for the better discovering of Persons who shall open or carry on any Work for the getting of Coal, or other Minerals, contrary to the Directions of this Act; be it further enacted, That it shall be lawful for the said Company of Proprietors, by themselves, their Agents, and Servants, from Time to Time, and at all

Times hereafter, to enter upon any Lands or Grounds, through or near which the said intended Canal, and other Works, hereby authorized to be made, shall be or pass, wherein any Coal, or other Mineral or Mine, shall or may be dug or opened, and likewise to enter into such Coal Pits, and other Mines, and there to view, search, measure, and latch, and use any other Means for the discovering of the Distance of the said intended Canal, Towing Paths, Reservoirs, and other Works, from the working Parts of such Mine; and in case it shall appear that any such Mine hath been worked, or any such Coal or other Mineral got, contrary to the Directions of this Act, it shall be lawful for the said Company of Proprietors, their Agents, Servants, or Workmen, at the Costs and Charges of the Owner of such Mine, to enter into and upon such Mine, and from Time to Time to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe the said Canal, Towing Path, Reservoirs, and other Works, such Costs and Charges to be recovered by the said Company of Proprietors, in case of Nonpayment upon Demand, in such and the same Manner as the Rates hereinbefore granted are to be recovered, and shall be paid into the Hands of the Treasurer to the said Company of Proprietors, to be applied for the Purposes of this Act.

Owners of Mines under the Canal desirous of working the same, to apply to the Company.

LXXVIII. Provided always, and be it further enacted, That when and as often as the Owner of any Mine of Coal, Lime Stone, or other Minerals, lying under or within the Distance herein-before limited from the said Canal, or any Towing Path, Reservoir, or other Works to be made in pursuance of this Act, shall be desirous of working the same, then, and in every such Case, such Owner shall give Notice in Writing under his Hand of such Intention, to the Clerk to the said Company of Proprietors, at least Three Calendar Months before he shall begin to work such Mine, and upon the Receipt of such Notice, it shall be lawful for the said Company of Proprietors to inspect or cause such Mines to be inspected in order to determine what Coal, or other Minerals, may be come at, and be actually gotten without Prejudice or Damage to the said Canal, or any Towing Path, Reservoir, or other Works aforesaid; and if the said Company of Proprietors shall refuse or neglect to inspect such Mine, 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 Mine, and he is hereby authorized to work such Part of the said Mine as lies under the said Canal, or any such Towing Path, Reservoir, or other Works aforesaid, or within the

Distance

Distance aforesaid; and if upon such Inspection as aforesaid, the said Company of Proprietors shall refuse to permit the Owner of such Mine to work such Part thereof as lies under the said Canal, or any such Towing Path, Reservoir, or other Works aforesaid, or within the Distance aforesaid, or any Part thereof, as they might, from Time to Time, have come at and actually gotten, or in any other Manner obstruct or prevent such Owner from getting the same, then the said Company of Proprietors shall, within Three Calendar Months after such Refusal or Obstruction as aforesaid, pay or cause to be paid to such Owner, such Price for the same, as the next adjoining Mines 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 any such Owner of the said Mine, his or her Executors or Administrators, touching the same, the Matter of such Question or Dispute shall be settled and determined by the said Commissioners, in such Manner, and subject to the Verdict of a Jury, if required, as the Value of the Lands for making the said Canal, and other Works, is by this Act directed to be settled and ascertained; and in Default of Payment of such Money, the said Commissioners 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 in or upon the Wharfs, Quays, or Warehouses adjoining or near to the same, to and for the Use of such Owner of the said Mine, his or her Executors or Administrators, as the Case may be, or otherwise such Owner, his or her Executors or Administrators, may sue for and recover the same, with full Costs of Suit, by Action of Debt or on the Case, in any of his Majesty's Courts of Record at Westminster.

Power to make Railways.

LXXIX. 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 Renters, Lessees, or Occupiers of the same, or of any Forges or Iron Works, lying within the Distance of half a Mile from some Part of the said Canal, shall find it expedient or necessary to make any Railways or Roads to convey his, her, or their Coals, Ironstone, Limestone, or other Minerals, to the said Canal, over the Lands or Grounds of any other Person or Persons, then, and in every such Case, it shall be lawful for him, her, or them, to make any such Railways, or Roads, he, she, or they first paying or tendering Satisfaction

faction for the Damage to be thereby occasioned to such Lands or Grounds, in Manner herein-before directed with respect to Land to be taken for the Purposes of this Act; 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 or Road; 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 is by this Act directed to be settled and ascertained.

Cuts may be made to communicate with the Canal:

LXXX. And be it further enacted, That it shall be lawful for the Proprietor or Proprietors of any Mines of Coal, Iron Stone, Lime Stone, or other Minerals, or the Lessees or Occupiers of the same, to make any Navigable Cut or Cuts of any Length, not exceeding Half a Mile, and in such Manner as he, she, or they shall think proper, to communicate with the said Canal hereinbefore authorized to be made, so that the same be done without diverting any Streams of Water which are necessary for supplying the said Canal, or which are or shall be necessary for the working of any Furnaces, Forges, or Mills, and without doing any Injury or Damage to the said Navigation, and so as the Person or Persons making every such Cut shall (if thereunto required by the said Company of Proprietors) make, erect, and maintain a Stop Gate or Stop Gates on every such Cut, in order to prevent the Water being drained or wasted out of the said Canal, by Means of making any such Cut to communicate therewith as aforesaid; and every such Cut shall be publick and open to all Persons for the Conveyance of any Goods, Wares, Merchandize, or Commodities, in Boats and other Vessels, upon Payment to the Person or Persons, at whose Charge and Expence such Cut shall be made, his, her, or their Heirs, Executors, Administrators, or Assigns, the like Tonnage as shall for the Time being be payable to the said Company of Proprietors, upon the Part of the said Canal with which such Cut shall communicate.

But not without Consent of the Owners of Lands.

LXXXI. Provided always, That no such Cut shall be made by any Person or Persons, through the Lands or

Grounds of any other Person or Persons, unless the Owner or Owners of, and Person or Persons interested in such Lands or Grounds, or the Husbands, Guardians, Trustees, Committees, or Attornies of any such Owners or Persons interested as aforesaid, being under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Disability or Incapacity of acting for themselves, shall consent thereto; and it shall be lawful for any Bodies Politick or Corporate, being Owners of or interested in any such Lands or Grounds, or any such Husbands, Guardians, Trustees, Committees, or Attornies as aforesaid, to give such Consent, and to agree with the Person or Persons desirous of making any such Cut, for the Land or Ground to be made Use of for that Purpose, and the Damage to be occasioned thereby, and every such Consent and Agreement, being reduced into Writing, and signed and sealed by the respective Parties giving or making the same, shall be binding and conclusive upon all Persons, and Bodies Politick and Corporate whatsoever, and shall be deposited with the Clerk of the Peace for the County of Salop, and be by him kept amongst, and the same shall be deemed Part of the Records of the Quarter Sessions of the Peace for the said County.

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

LXXXII. And be it further enacted, That any Lord or Lords of any Manor, and the Owner or Owners of any Lands or Grounds through which the said Canal, or any such other Cut as aforesaid, 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, or any such other Cut as aforesaid, and may land any Goods, Merchandize, or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal, or any such other Cut as aforesaid; 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 any such other Cut as aforesaid, 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.

but if not done within 12 Months after Notice,

LXXXIII. Provided always, and be it further enacted, That if any such Lord or Lords, Owner or Owners, shall not,

Proprietors may build them.

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 of such Lands, Grounds, or Wastes is necessary or proper to be used by them for the Purpose of erecting Wharfs, Quays, Landing Places, Cranes, Weigh Beams, 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, or any such other Cut as aforesaid, 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 said Commissioners shall think necessary, on the respective Part or Parts of the Lands and Grounds described in such Notice, that 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 laying out necessary and convenient Roads to and from the said Canal and any such other Cut as aforesaid, 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 Purposes of this Act.

No Wharfs, &c. to be made upon certain Lands of *John Corbet* Esquire.

LXXXIV. Provided also, and be it further enacted, That nothing herein contained shall authorize or impower the said Company of Proprietors to erect or make any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, Warehouses, or other Buildings, on any of the Lands or Grounds the Property of the said John Corbet, in the Parish of Uffington, in the said County of Salop, and intended to be marked or described in the Map or Plan to be authenticated as aforesaid, with the Figures or Numbers 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, without the Consent of the said John Corbet, his Heirs or Assigns, first had and obtained for that Purpose.

Regulations as to private Wharfs.

LXXXV. Provided also, and be it further enacted, That nothing herein contained shall authorize or impower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouse, which shall be set out, erected, or made by the Lord or Lords of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Canal, or any such other Cut as aforesaid, for his, her, or their own pri-

vate

vate 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 Penny a Ton shall be demanded or taken by any such 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 Road or Roads to and from the said Canal, or any such other Cut as aforesaid, 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, Iron Stone, Timber, Stone, Brick, Tile, Slate, or Gravel; nor more than Three-pence a Ton for the Wharfage of any other Goods or Merchandize, where the same shall be respectively placed and remain upon any such Wharfs or Quays, and shall not continue thereupon for a longer Space of Time than Six Days, except Coal, Iron, and Limestone, which may remain thereupon Six Calendar Months, and Timber, Clay, Lime, Iron Stone, Stone, Brick, Tile, Slate, or Gravel, which may remain Thirty Days, upon Payment of the said One Penny per Ton: Provided nevertheless, that in case any of the said Articles shall be left and remain in or upon such Wharfs or Quays for the Space of Ten Days, over and above the Time limited hereby, that then the Owners of such Articles shall pay to the Proprietors of such Wharfs or Quays One Penny per Ton for such Ten Days, and One Penny per Ton per Day for the Time such Articles shall remain upon such Wharfs or Quays after the Expiration of the said Ten 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, in case the Proprietors of such Wharfs or Quays shall neglect or 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.

Committee to regulate the Navigation.

LXXXVI. And be it further enacted, That all Boats or other Vessels sailing or being haled or navigated upon the said Canal, shall, upon meeting any other Boat or Vessel, stop at or go back to, and lie in the Places to be provided for that Purpose as aforesaid, in such Manner as

as the said Company of Proprietors or the said Committee shall from Time to Time direct and appoint; and it shall be lawful for the said Company of Proprietors from Time to Time to make such Rules and Regulations as they shall think proper for or relating to the passing of any Locks and inclined Planes to be made by virtue of this Act with any Boats or other Vessels, Waggons or other Carriages; and all such Rules and Regulations (being published in such Manner as the said Commissioners shall direct) shall be binding upon and be conformed to by the Owners or Persons having the Care or Conduct of such Boats or other Vessels, upon Pain of forfeiting a Sum not exceeding Five Pounds, nor less than Forty Shillings, for every Default; and if any Boat or Vessel shall be placed or suffered to remain in any Part of the said Canal, 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, nor less than One Shilling, for every Hour such Obstruction shall continue after the making of such Request; 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.

Regulation of Vessels passing the Locks.

LXXXVII. And be it further enacted, That no Boatman or other Person navigating any Boat or other Vessel upon the said Canal through any Lock to be made thereon, shall suffer the Water to remain in the Lock longer than is necessary for his Boat or other Vessel to pass through any such Lock; and also that every such Boatman, or other Person as aforesaid, in going down the said Canal, shall shut the lower Gates of such Lock before he shall draw the Cloughs of the upper Gates thereof, and after he or they shall have brought his, her, or their Boat or other Vessel into the said Lock, shall shut the upper Gates before he or they shall draw the Cloughs of the lower Gates thereof; and in going up the said Canal shall, so soon as he or they shall have passed, with his or their Boat or other Vessel, out of the said Lock, shut the upper Gates of the said Lock, and afterwards draw the Cloughs of the lower Gates, unless there shall be then a Boat or other Vessel in Sight of the said Lock coming down the said Canal, in which Case the lower Gates of the said Lock shall be left shut, and the upper Gates

shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Canal, the Vessel going up the same, if within Sight of and at a Distance not exceeding Five hundred Yards below a Lock, shall pass through the same before the Vessel coming down, and then the Vessel next above such Lock shall come down, and if there are more Vessels than One below and above any Lock at the same Time in such dry Seasons within the Distance aforesaid (which Distance shall be distinguished by a Post or Mark to 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 Vessels; and if any Person shall act contrary to the Rules herein-before laid down, he shall forfeit the Sum of Forty Shillings.

Penalty on Persons overloading and obstructing the Navigation.

LXXXVIII. And be it further enacted, That if any Person shall float any Timber upon the said Canal, 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, so as to obstruct the Passage of any other Boat or Vessel, and shall not, immediately upon Notice given to him for that Purpose, remove such Obstruction; or if any Person shall throw any Ballast, Gravel, Stones, or Rubbish, into any Part of the said Canal, or any Trenches or Watercourses to be made by virtue of this Act, every such Person shall, for every such Offence, forfeit and pay a Sum not exceeding Five Pounds, nor less than Forty Shillings.

Penalty on opening Locks, &c.

LXXXIX. 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 suffer any Boat, or other Vessel, to strike or run upon any of the Bridges or Locks thereof, or shall wilfully flush or draw off the Water from any Part of the said Canal, 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 for every such Offence any Sum not exceeding Five Pounds, nor less than Forty Shillings; and 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, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on

Penalty on destroying the Works.

and completing the said intended Navigation, every Person so offending, and being thereof lawfully convicted, 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; or otherwise every Person so offending, and being thereof lawfully convicted on the Oath of One credible Witness, before One or more of his Majesty's Justices of the Peace for the County of Salop, shall forfeit any Sum not less than Double the Value of the Damage proved upon Oath to be done, at the Discretion of such Justice, such Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender, or such Offender shall or may be committed to the House of Correction for the County of Salop for any Time not exceeding Six Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

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

XC. Provided always, and be it further enacted, That the said Canal, 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.

How Proprietors are to be taxed for Lands.

XCI. And be it further enacted and declared, 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 by the said Company of Proprietors, in pursuance of this Act, in the same Proportion as other Lands and Grounds lying near the same are or shall be rated, and as the same Lands and Grounds so to be purchased or taken would be rateable in case the same were the Property of Individuals in their natural Capacity.

Rights of Lords of Manors and Land Owners to Fishery reserved.

XCII. Provided always, and be it further enacted and declared, That the Lord and Lords, and Owner and Owners, of all and every Manor and Manors, through which the said Canal shall be made, shall have and be entitled to the Right of Fishery of and in so much of the said Canal, Reservoirs, Trenches, and Sluices, as shall be made over or through the Common or Waste Lands within

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 shall be made, shall also have and be entitled to the Right of Fishery of and in so much of the said Canal, 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, 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, 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, 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, Reservoirs, Trenches, or Sluices, for or upon Account of 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, 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 his, her, or their Lands or Grounds as aforesaid.

Unqualified Persons on Board having Nets, to forfeit 5*l.*

XCIII. And be it further enacted, That if any Person or Persons navigating or working, or being on Board any Boat or other Vessel upon the said Canal (not being qualified by Law to kill Game) shall carry on Board such Boat or other Vessel any Fishing Net or other Engine for taking or destroying Fish or Game, every such Person shall, for every such Offence, forfeit and pay the Sum of Five Pounds; and in case any Master or other Person having the Command of any Boat or other Vessel shall wilfully suffer or permit any Person or Persons, not being qualified as aforesaid, to have or carry on Board any Fishing Net or other Engine for taking or destroying Fish or Game, he shall for every such Offence forfeit the Sum of Five Pounds.

XCIV. Pro-

No Person to navigate upon the *Donnington Wood* Canal, without Consent of the Proprietors.

XCIV. Provided also, and be it further enacted, That nothing in this Act contained shall authorize or impower any Person or Persons to navigate any Boats or other Vessels upon the said Donnington Wood Canal, unless the Proprietors of such Canal shall, by Writing under their Hands and Seals, signify to the Company of Proprietors of the said Shrewsbury Canal, or to the Owners of any Boats, Barges, or other Vessels, their Consent that any Boats or other Vessels may be navigated upon the said Donnington Wood Canal, upon Payment of such Rate of Tonnage, and upon such other Terms and Conditions, and for such Time or Times, as may be agreed upon between the Proprietors of such Canal and the Company of Proprietors of the said intended Canal authorized to be made by this Act.

Commissioners to take an Oath.

XCV. Provided always, and be it further enacted, 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 His Majesty King *George* the Third, intituled, [*Insert the Title of the Act*]; and that I am qualified to act as a Commissioner according to the Directions of the said Act.

Commissioners may act as Justices;

but not where interested, or holding a Place of Profit.

XCVI. And be it further enacted, That such of the said Commissioners who shall be in the Commission of the Peace for the County of Salop, 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 to be made for the Purposes of this Act.

XCVII. 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 this Act, unless previous Notice of the Time, Place, and Purpose of such Meeting shall be first given in some Newspaper, published or circulated within the County of Salop, 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, (except in such Cases as are hereby otherwise directed), shall be valid, unless the same shall be made or done at a Meeting to be held in pursuance of this Act; and that all the Powers and Authorities by this Act given to or vested in the said Commissioners, shall and may from Time to Time be exercised by the Majority of the Commissioners present at every such Meeting, the whole Number present at such Meeting not being less than Seven. Commissioners to give Notice of their Meetings.

XCVIII. 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 Grounds, Lands, Tenements, or Hereditaments to be affected by the said Canal, or any of the Works necessary or relating thereto, or any of them, unto any Seven or more of the said Commissioners, requesting or desiring them to appoint a General Meeting of the said Commissioners, the 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 General Meeting of Commissioners.

at such Meeting, and to adjourn to any other Time, then, and in such Case, the Clerk to the said Commissioners shall and may, by publick 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 after the Day on which such Meeting was appointed to be held.

Special Meeting of the Commissioners.

XCIX. Provided always, and be it further enacted, That it shall and may be lawful for any Seven or more of the said Commissioners, and they are hereby impowered, although not 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 the 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.

No Meeting to determine Disputes, &c. but within Five Miles of the Canal.

C. Provided also, That every Meeting of the Commissioners for hearing or determining any Complaint, Controversy, Dispute, or Difference between the said Company of Proprietors, and any other Person or Persons, shall be held at some Place within the Distance of Five Miles of the Place where such Complaint, Controversy, Dispute, or Difference shall arise.

To compel Payment of Subscriptions.

CI. 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 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.

Penalties and Forfeitures how to be recovered and applied.

CII. And be it further enacted, That all Penalties or Forfeitures for Offences against this Act, or any Rule, Bye Law, or Order, to be made by the said Company of Proprietors as aforesaid, shall, upon Proof of the Offences

Offences respectively before any Justice or Justices of the Peace for the County of Salop, either by the Confession of the Party or Parties, or by the Oath of any credible Witness or Witnesses, 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 or Hands and Seals of such Justice or Justices, (which Warrant such Justice or Justices is or are hereby impowered and required to grant), and the Overplus, after such Penalties or 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 or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, by Warrant under his or their Hand and Seal, or Hands and Seals, to cause such Offender or Offenders to be committed to the Common Gaol or Prison for the said County, there to remain, without Bail or Mainprize, for such Time as such Justice or Justices shall direct, 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.

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

CIII. 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.

CIV. 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 of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices 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 any General Quarter Session

Sessions to be held in and for the County of Salop, first giving Ten Days Notice at the least in Writing of such Intention to complain, to the Party interested in such Complaint; and the said Justices shall, in a summary Way, hear and determine the said Complaint at such Session, or if they think proper may adjourn the Hearing thereof to the next General or Quarter Session 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.

CV. 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 Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damage then within Six 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 Salop, 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 same as any Defendant or Defendants hath or have for Costs of Suit in any other Case by Law.

General Issue.

Treble Costs.

Publick Act.

CVI. 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.