ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CXIV.

An Act for making and maintaining a Navigable Canal from the River *Ancholme*, in the Parish of *South Kelsey*, in the County of *Lincoln*, into the Parish of *Caistor*, in the said County.

[3d *June* 1793.]

WHEREAS the making and maintaining a Canal, navigable for Boats, Barges, and other Vessels, from the River Ancholme, in the Parish of South Kelsey, through the several Parishes of South Kelsey, North Kelsey, and Nettleton, and into the Parish of Caistor, all in the County of Lincoln, will greatly facilitate, at much less Expence than what is now paid by Land Carriage, the Conveyance of Coals, Corn, Wool, and other Goods, Wares, and Merchandize, not only to the Advantage of the Town of Caistor, but also of the Inhabitants of the Country Preamble.

Country adjoining or lying near the said intended Canal: And whereas the several Persons herein-after named are willing and desirous, at their own proper Costs and Charges, to make and maintain the said Canal; but cannot effect the same without the Aid and Authority 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 Thomas Alderson, Ayscoghe Boucherett, Joseph Bell, William Bennard, Robert Bett, Christopher Cave, Thomas Dixon, William Dixon, Joseph Dunn, William Docker, the Right Honourable Sampson Lord Eardley in the Kingdom of Ireland, Francis Ferrand Foljambe, Richard Goulton, Thomas Grantham, George Holgate, James Hill junior, Thomas Johnson, the Right Honourable Henry Lord Middleton, Smith Mitton, James Neve, Charles Anderson Pelham, Thomas Roydes, Robert Swan, John Swan, Joseph Smith, William Shaw, Marmaduke Tomline, William Thorold Clerk, Samuel Turner Clerk, John Thorold, Richard Vicars, Charles Weston Clerk, William Wilkinson Clerk, William Wright, and George Wheeldon, together with such other Person or Persons, Bodies Corporate and Collegiate, as they, or the major Part of them present at the First General Assembly to be holden for the Purposes of this Act, shall nominate and appoint, under their Hands, and the several and respective Successors, Executors, Administrators, and Assigns of the said Persons herein-before named, and of the Person or Persons so to be nominated and appointed, being Proprietor or Proprietors of any Share or Shares in the Canal hereby authorized to be made, shall be, and are hereby united into a Company for the better carrying on, making, completing, and maintaining the said intended Canal, passable for Boats, Barges, and other Vessels, according to the Rules, Orders, and Directions herein-after mentioned and expressed, and shall for that Purpose be One Body Politick and Corporate, by the Name and Stile of The Company of Proprietors of the Caistor Canal Navigation, in the County of Lincoln, and by that Name shall have perpetual Succession, and a Common Seal, and by that Name shall and may sue and be sued, and also shall and may have Power and Authority to purchase Lands, Tenements, and Hereditaments, to them and their Successors and Assigns, for the Use of the said Canal, and the several Works hereby authorized to be

Proprietors.

Incorporated.

Their Stile.

be made, and other Purposes herein-after mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell any of the Lands, Tenements, or Hereditaments purchased for the Purposes aforesaid; and the said Company are hereby authorized and impowered, by themselves, their Deputies, Agents, Officers, and Workmen, from and after the Twenty-fourth Day of June, in the Year of our Lord One thousand seven hundred and ninety-three, on which Day this Act shall commence and take Effect, to make, complete, and maintain a Canal, navigable and passable for Boats, Barges, and other Vessels, from the River Ancholme Navigation, in the Lordship of South Kelsey, through the Lordship of South Kelsey and North Kelsey, and from thence through Part of the Lordship of Nettleton, into and through Lands belonging to John Foster, commonly called The Clerk's Piece, in the said Parish of Caistor, all in the said County of Lincoln, and to supply the said intended Canal whilst making, and at all Times for ever after the same shall be made, with Water from all Rivers, Brooks, Springs, Streams, Rivulets, and Watercourses which shall be found in digging or making the said Canal, or within the Distance of Two Miles from any Part of the said Canal, or from any Reservoir or Reservoirs to be made by virtue of this Act; and the said Company of Proprietors, hereby incorporated, are hereby also authorized and impowered, by themselves, and their Deputies, Agents, Officers, and Workmen, to make One or more Reservoir or Reservoirs for the Purpose of supplying the said Canal, or any Part or Parts thereof with Water, and also such and so many Soughs, Tunnels, Feeders, Aqueducts, and Channels as they shall think fit for the supplying the said Canal with Water, from any such Reservoir or Reservoirs to the said Canal; and also to cleanse, scour, cut, dig, open, deepen, enlarge, or straighten all Streams, Brooks, or Watercourses which come or may be brought into, or made to communicate therewith respectively, or to make such proper Trenches or Passages for Water in, upon, or through the Lands adjoining or within the Distance aforesaid of the said intended Canal or Reservoirs, or any of them, as shall be necessary or proper for effecting the Purposes of this Act; and for the Purposes aforesaid, the said Company of Proprietors, their Deputies, Agents, Officers, 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 whatsoever, and to survey and take Levels

Powers.

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 intended Canal, and any such Reservoir or Reservoirs, Feeders or Aqueducts, and all such other Works, Matters, and Conveniences, as they shall think proper and necessary for making, preserving, improving, completing, maintaining, and using the said intended Canal and other Works, and also to bore, dig, cut, trench, sough, get, remove, take, and carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said intended Canal or other Works, or in making any Reservoir or Reservoirs, Feeders or Aqueducts, or out of the Lands or Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be necessary, requisite, or proper for making, carrying on, continuing, maintaining, or repairing the said intended Canal or other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending and maintaining the same respectively, or the making, using, completing, extending or maintaining of such Reservoirs as aforesaid, or of any such Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, as shall be deemed necessary or proper to convey Water to or from the said intended Canal and Reservoirs, or any of them; and also to make, build, erect, and set up, in or upon the said intended Canal, or other Works hereby authorized to be made, or any of them, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Floodgates, Weirs, Pens for Water, Water Stanks, Reservoirs, Dams, Drains, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry Docks, and other Works, Ways, Roads, and Conveniencies, and all such Carriage and other Roads and Ways for the Purpose of conveying Goods, Wares, and Merchandize to and from the said Canal, as and where the said Company of Proprietors shall think requisite or convenient for the Purposes of the said Canal and other Works, or any Part thereof; and also from Time to Time to alter, repair, and amend, or discontinue the same, and to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Reservoirs, Aqueducts, Trenches, Sluices, or other Works and Conveniences, as well for

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the carrying and conveying of Coals, Stones, and other Minerals, Goods, Wares, Merchandize, and other Things, to and from the said intended Canal, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said intended Canal, and the Works of or belonging thereto, or useful for any Purpose therein; and also to place, lay, work, or manufacture the said Materials on the Lands or 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 Trenches or Passages over, under, or through the said intended Canal, or the Reservoirs, Tunnels, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways, convenient for towing, haling, or drawing of Boats, Barges, and other Vessels passing upon the said intended Canal, with Men, Horses, or otherwise, and proper Places for Boats, Barges, and other Vessels navigated upon the said intended Canal to turn, lie, or pass each other, as they the said Company of Proprietors shall think convenient; and to construct, erect, and keep in Repair any Piers, Arches, Aqueducts, and other Works in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing of the said intended Canal and Trenches, and the Towing Paths on the Sides thereof; and also to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary for the making, effecting, extending, preserving, improving, completing, and using the said intended Canal and other Works, in pursuance of, and according to the true Intent and Meaning of this Act, they the said Company of Proprietors, their several Deputies, Agents, Officers, 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, to the Owners and Proprietors of, and other Persons interested in any Lands, Tenements, or other Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Agents, Officers, and

Workmen, and all other Persons whomsoever, for what they, or any of them, shall do by virtue of the Powers hereby granted, subject to such Provisoes and Restrictions as are herein-after mentioned.

Houses, &c. (except those mentioned) not to be taken or damaged.

II. Provided always, and be it further enacted, That nothing herein contained shall authorize or impower the said Company of Proprietors, or any other Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Canal, or any other of the Purposes aforesaid, any Land or Ground which, on the First Day of January One thousand seven hundred and ninety-three, was a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners thereof.

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

III. And whereas a Survey has been taken to ascertain the Practicability of making the said Canal, and a Map or Plan, with a proper 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 Books of Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited, One with the Clerk of the Peace for the Parts of Lindsey, in the County of Lincoln, and the other with the Clerk to the said Company of Proprietors, to each of which Maps, Plans, and Books of Reference all Persons shall have Liberty to resort, and to examine or make Extracts from, or Copies of the same, as Occasion shall require, paying to the said respective Clerks, for Copies of or Extracts from the said Books of Reference, after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans, and Books of Reference, so certified, or true Copies thereof, shall be, and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Twenty-one Days Notice to him given for that Purpose, shall and is hereby required from Time to Time to produce the said Map or Plan, and Book of Reference, to be so deposited with him as aforesaid, 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 be then and there

there 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 a Hundred Yards from the Line laid down in the Plan.

IV. And be it further enacted, That the said Company of Proprietors, in making the said intended Canal, shall not deviate more than One hundred Yards from the Course or Direction 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 said Lands or Grounds now or late belonging to, or reputed to belong to the said several and respective Persons named and 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, 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 such Deviation above One hundred Yards from the said Course or Direction of the said Canal, or any of them, in case all the Persons to whom the Lands, Grounds or Hereditaments to be cut through or made Use of for the Purposes of such Deviation shall belong, shall consent thereto.

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

V. Provided always, and it is hereby further 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 Deviation as aforesaid shall extend, although their Names are not mentioned in the 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 Seven 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.

Breadth of Canal and Towing Paths.

VI. Provided also, and be it further enacted, That the Lands or Grounds to be taken or used for the said intended Canal and Towing Paths, and the Ditches, Drains,

and Fences to separate such Towing Paths from the adjoining Lands, shall not exceed Twenty-two Yards in Breadth, except in such Places where any Dock, Bason, or Reservoir shall be made, or where the said intended Canal shall be raised higher, or cut more than Five Feet deeper than the present Surface of the Land, and in such Places where it shall be judged necessary for Boats, Barges and other Vessels to turn, lie, or pass each other, or where any Crane may be erected, or Coals, or other Goods or Things be delivered, and not above Forty-five Yards in Breadth in any Place.

No Building to be erected on the Towing Paths, except for the Navigation.

VII. And be it further enacted, That nothing in this Act contained shall extend to enable the said Company of Proprietors to erect or build any House, Mill, or other Building (other than such Warehouses, Toll Houses, and Watch Houses to be built as herein authorized for the Use of the said intended Canal), upon the Lands which shall be set out for the Towing Paths, Wharfs, or Quays on the Sides thereof; or to convert or employ any Water that shall be brought into or discharged out of the said intended Canal, Trenches, or Sluices hereby authorized to be made, for the Use of any Mill hereafter to be erected near the same; or to cut down any Timber Wood, Brush Wood, or Underwood, upon any of the Lands through or into which the said intended Canal, Trenches, Sluices, Roads, Passages, Works, or Conveniencies, or any Part thereof respectively, shall be made, except such Timber Wood, Brush Wood, or Underwood as shall grow or be in or upon any of the Lands or Grounds which shall be taken or used for the making of the said intended Canal, Towing Paths, Fences, Sluices, Roads, Passages, or Conveniencies respectively as aforesaid; and the Proprietors of the respective Lands on which such Timber Wood, Brush Wood, or Underwood, hereby authorized to be cut down, shall stand or be growing at the Time of the Commencement of this Act, their Heirs, Executors, Administrators, or Assigns, shall have it in their Election to take such Timber Wood, Brush Wood, or Underwood respectively, when felled or cut down, at such Price or Value as the same respectively shall have been estimated or purchased at by the said Company of Proprietors, but in case the same shall not have been estimated at or purchased by the said Company upon a Valuation separate or distinct from the Lands on which the same shall respectively grow, and the Proprietors of such Lands, and the said Company of Proprietors, or their Agents, shall not agree touching the Value thereof, then at such Price or Value as the said

Commissioners

Commissioners herein-after mentioned shall direct or appoint; which said Timber Wood, Brush Wood, or Underwood, so to be cut down, shall and may be carried and conveyed upon any Part of the said intended Canal, and free from all Rates to be raised and levied by virtue of this Act; and if any House, Mill, or other Building (except as aforesaid) shall be erected, it shall be lawful for the Person or Persons who was or were Owner or Owners of such Lands at the Time of setting out the same, his, her, or their Heirs or Assigns, to pull down and remove every such House, Mill, and other Buildings, without being deemed guilty of Trespass, or being liable to any Action or Prosecution for so doing.

Bodies Politick impowered to sell and convey Lands.

VIII. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Canal, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniencies herein-before mentioned, or any of them, it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested therein in their own Right, or entitled to Dower or other Interest therein, and for every other Person or Persons whomsoever who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, or convey the same, and every Part thereof, unto the said Company of Proprietors; and if it shall happen that by making the said Canal, or by the Conveyance of Water thereto, or by making or constructing of any of the Works hereby authorized to be made, 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 all such other Person and Persons so entitled or interested as aforesaid, by and with the Consent of the Commissioners hereby appointed, or any Five or more of them, to

Lands separated into small Parcels may be exchanged or sold.

to be teſtified by Writing under their Hands and Seals, although they may not be aſſembled at any Meeting of the ſaid Commiſſioners to be held by virtue of this Act, to contract for, ſell, and diſpoſe of, or to convey in Exchange for other Lands, all or any Part of ſuch ſmall Parcels of Land ſo ſeparated to any Perſon or Perſons whomſoever, for ſuch Price or Conſideration in Money, or other Equivalent, as to the ſaid Commiſſioners ſhall ſeem reaſonable; and all Bodies Politick, Corporate, or Collegiate, and all other Perſons whomſoever ſo conveying or exchanging as aforeſaid, are hereby indemnified for what they ſhall reſpectively do in relation to any ſuch Sale or Exchange which he, ſhe, or they, or any of them, ſhall make by virtue and in purſuance of this Act;

Contracts and Sales to be made at the Expence of the Company.

and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances ſhall be made at the Expence of the ſaid Company of Proprietors; and ſuch of them as ſhall be made of any Lands or other Hereditaments to the ſaid Company of Proprietors, ſhall be made according to the following Form; (videlicet),

Form of Conveyance to the Company.

I *A. B.* of in Conſideration of the Sum of to be paid [*or*, in Conſideration of the Annual Rent of to me to be hereafter yielded and paid by yearly *or* half-yearly Payments, *as may be agreed upon*], by the Company of Proprietors of the *Caiſtor* Canal Navigation, do hereby grant and releaſe to the ſaid Company all [*deſcribing the Premiſes to be conveyed*], and all my Right, Title, and Intereſt to and in the ſame, and every Part thereof, to hold to the ſaid Company and their Succeſſors for ever, by virtue and according to the true Intent and Meaning of the Act of Parliament paſſed for making and maintaining the ſaid Navigation. In Witneſs whereof I have hereunto ſet my Hand and Seal, this Day of in the Year of our Lord

Which ſaid Conveyances ſhall be kept by the Clerk or Clerks to the ſaid Company of Proprietors, who ſhall from Time to Time, when requeſted, deliver atteſted Copies thereof to any Perſon or Perſons requiring the ſame, and ſhall have and receive Sixpence for every One hundred Words of each ſuch atteſted Copy, and ſo in Proportion for any leſs Number of Words; and every ſuch Conveyance as aforeſaid which ſhall be made to any Perſon or Perſons other than the ſaid Company of Proprietors, ſhall be according to the following Form;

I, *A. B.* do hereby, by virtue and in pursuance of a certain Act of Parliament, intituled, *An Act* [*Here insert the Title of the Act*], and by and with the Consent and Approbation of Five or more of the Commissioners appointed under or by virtue of the said Act, testified by their Signature hereof, and in Consideration of the Sum of to me in Hand paid by *C. D.* at or before the Sealing and Delivery of these Presents, the Receipt whereof I do hereby acknowledge, [*or* in Exchange for certain Lands situate in conveyed to me by the said *C. D.* by Writing under his Hand and Seal, bearing even Date herewith], grant and release to the said *C. D.* all [*describe the Premises*], to hold to the said *C. D.* his Heirs and Assigns for ever; as Witness my Hand and Seal, this Day of

Form of Conveyance between Land Owners.

And every such Conveyance to be made by virtue of this Act, in the Form and Manner aforesaid, shall be valid and effectual to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

IX. Provided always, and be it further enacted, That all and every Body and Bodies Politick, Corporate, or Collegiate, Trustees, or other Persons herein-before capacitated to sell or convey Lands and other Hereditaments, or any Owner or Owners, and the Occupier or Occupiers of any Lands or Hereditaments through, in, or upon which the said Canal, Towing Path, Quays, or other Works hereby authorized or intended to be made, or any of them, or of any Mills or other Works from which any Water to supply the said Canal or Reservoirs may or shall be diverted, may accept and receive Satisfaction for the Value of such Lands and Grounds, Mills, or other Works and Hereditaments, and for the Damages to be sustained by making and completing the said Works herein-before authorized to be made, either in Gross Sums or by Annual Rents, as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the said Company of Proprietors; and from and immediately after the Time of executing such Contract or Contracts, the said Company of Proprietors may and shall be at Liberty to enter upon, and from thenceforth for ever to have, take, and enjoy the said Lands, Grounds, and other Hereditaments, for the Use and Maintenance of the said Canal, and for supplying the same with Water, without any Interruption or Eviction whatsoever; and in case the said Company of Proprietors, and the said Parties interested in such Lands and

Satisfaction to be made.

If Parties cannot agree, Price to be settled by

Commissioners or a Jury.

and Grounds, or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners herein-after appointed, in such Manner, and subject to such Verdict of a Jury, if required, as is herein-after directed;

Yearly Rents charged on Rates;

and all such yearly Rents or Sums as shall be agreed on between the said Company of Proprietors, and the said Parties interested in such Lands and Grounds, or other Hereditaments, or as shall be so ascertained and settled as aforesaid, shall be charged on the Rates arising by virtue of this Act, and shall be paid by the said Company of Proprietors as the same shall become due and payable; and in case the same shall not be paid within Forty Days next after the same shall so become due and payable, it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby required, by an Order under their Hands, to appoint One or more Person or Persons to receive the Rates hereby granted and made payable, and to pay the same to such Person or Persons to whom such yearly Rents or Sums shall be due and unpaid as aforesaid, the said Commissioners taking such Security from every such Collector, for the due and faithful Execution of his Office, as they shall judge proper and sufficient, and every Person so appointed shall be deemed a Collector of the said Rates, and shall have the same Power and Authority for collecting the same, as if he had been appointed a Collector of the said Rates by the said Company of Proprietors, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving the same, shall be to him or them fully satisfied and paid; or it shall be lawful for such Bodies Politick, Corporate or Collegiate, Trustees, or other Person or Persons to whom such yearly Rents or Sums shall be due and owing as aforesaid, to sue for and recover the same, with Costs of Suit, by Action of Debt, in any of his Majesty's Courts of Record, or otherwise to seize any Boats, Vessels, or other Goods or Effects of the said Company of Proprietors which shall be found upon the said Canal, or any of them, or in or upon the Wharfs, Quays, Warehouses, or other Works thereto belonging, (Information of such Seizure being immediately given to the said Company of Proprietors, by Notice in Writing delivered to some of their Clerks), and to detain the same until Payment of such yearly Rents or Sums then due and owing, together with the reasonable Charges attending such Seizure and Detention; and if such Boats, Vessels, or other Goods or Effects, shall not be redeemed within Ten Days next after

or the Company's Boats, &c. may be seized or distrained upon for the same.

making

making the same, and Notice thereof given in Writing as aforesaid, then such Boats, Vessels, or other Goods or Effects so seized shall and may be sold or disposed of in such Manner as the Law directs in case of Distress for Rent.

X. And be it further enacted, That the Right Honourable William Beauclerk commonly called Lord William Beauclerk, Sir John Webb, Sir Cecil Wray, Sir Frank Standish, Sir John Nelthorpe, Sir Thomas Whichcot, Sir Rowland Winn, Sir John Thorold, Sir Edmund Anderson, and Sir William Middleton, Baronets; Warton Amcotts, Richard Bassett, Henry Bentley, Benjamin Byron M. D. William Bowra Clerk, John Broadley, John Beatniffe Clerk, George Bentley, Matthew Burkinshaw, Christopher Bell junior, William Botterill, Edward Barton, Richard Booth, Charles Chaplin, Robert Cropper, John Cortis junior, Benjamin Codd, James Dalton, William Dickenson, Thomas Dixon Clerk, Richard Dixon Clerk, Robert Cary Elwes, Richard Ellison, Henry Ellison, John Ellison, Amaziah Empson Clerk, Bartholomew Elliott, Francis Epworth, Christopher Epworth, David Field Clerk, Anthony Furness Clerk, Gilbert Farr, Peter Geneste, Thomas Goulton, John Gilby Clerk, John Harrison, George Heneage, William Hildyard Clerk, William Hesleden, Robert Hudson Clerk, William Holgate, Edward Holgate, Thomas Harnies, Theophilus Harnies, Thomas Holgate, Robert Holgate, William Hargrave Clerk, Paul Hackett, James Hill, William Hollingworth, John Jarratt, Woodthorpe Johnson, Luke Johnson, Joseph Johnson, George Jackson, Theophilus Kirke, Thomas Lawrence, Roger Leadbetter, Joseph Leadbetter, John Leslie, William Lawrence, Lawrence Monk, George Maddison, John Maddison, George Maxwell, Matthew Maw, Charles Manby, Robert Marshall, George Marras, Thomas Marris, George Minnitt, Nathaniel Main, George Maw, John Nelthorpe, George Nelson, Richard Nicholson, Richard Ostler, William Overton, John Parkinson Clerk, Robert Parkinson, John Parkinson, William Richardson, William Sotheron, John Somerscales, John Scott, Daniel Scott, Thomas Thorold Sturtevant, George Shuttleworth, John Sextie, Philip Skipworth, George Skipworth, John Slater, Thomas Sutton, William Stothard, Edmund Turnor, Edmund Turnor junior, George Turnor Clerk, Thomas Francis Twigge Clerk, Henry Thorold, George Tennyson, Samuel Turner, William Thorpe, William Torre, John Turner, George Uppleby, William Uppleby Clerk, John Uppleby, Robert Viner, Robert Viner junior, the Honourable Henry Willoughby, Edward Weston, Samuel Wharton Clerk, Isaac Wilson Clerk,

Commissioners Names.

Clerk, Charles Wray, James Walter Clerk, John Wright, Jonathan Winship, George Winteringham, William Watson, John Wilbar, and Samuel York Clerk, and their Successors, to be elected in Manner herein-after mentioned, shall be and are hereby appointed Commissioners for settling, determining, and adjusting all Questions, Matters, and Differences which shall or may arise between the said Company of Proprietors and the several Persons interested in any Lands, Grounds, or other Hereditaments, Mills or Waters, that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted, and for settling or determining whereof no other Mode is by this Act provided, and for other the Purposes in this Act mentioned.

Election of new Commissioners.

XI. And be it further enacted, That when any Commissioner hereby appointed, or to be elected in Manner herein-after mentioned, shall die or refuse to act, the surviving or remaining Commissioners shall, and they are hereby impowered, from Time to Time, by Writing under their Hands, to elect and appoint some Person to be a Commissioner in the Place of every Commissioner dying or refusing to act as aforesaid, and every such Commissioner so to be appointed shall have the like Authority in all Things relating to the Execution of this Act, as if he had been named and appointed a Commissioner in and by this Act; Notice of the Time and Place of Meeting for the Appointment of every such new Commissioner being first given in some Newspaper published or circulated in the County of Lincoln, or in such other publick Manner as the said Commissioners shall direct or appoint, Ten Days at least before such Meeting, and the Intention to proceed to such Election being expressed in such Notice.

The Quarter Sessions to appoint new Commissioners in certain Cases.

XII. And be it further enacted, That in case it shall happen that the surviving or remaining Commissioners shall at any Time neglect or refuse, upon any Vacancy, to nominate or appoint a new Commissioner, and that for Want of a proper Number of Commissioners in the Neighbourhood, it shall become difficult to procure a Meeting or Meetings for executing the Powers of this Act, or in case the acting Commissioners nominated or appointed by this Act, or hereafter to be elected under and by virtue thereof, shall be reduced to a less Number than Twenty, then, and in any of the said Cases, it shall be lawful for the said Company of Proprietors, or for any Owner or Owners of Lands adjoining to the said Canal, or for any other Person or Persons interested, from Time to Time to make Complaint thereof to the Justices

Justices at any General Quarter Sessions of the Peace to be holden at Kirton in Lindsey, in the said County, and the Justices to whom such Complaint shall be made are hereby authorized, upon due Proof thereof being made to them, to nominate and appoint such fit and proper Persons as they in their Discretion shall think fit, to be a Commissioner for the Purposes of this Act, and the said Commissioners so nominated and appointed shall from thencefoyth have the like Powers and Authorities as if appointed by the Act, or under the Authority of the said Commissioners aforesaid.

Qualifications of Commissioners.

XIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, unless he shall at the Time of such acting be seised of or entitled to an Estate of Lands, Tenements, or Hereditaments, in Possession, for his own Life or the Life of another Person, of the clear yearly Value of One hundred Pounds above Reprizes, or shall be Heir Apparent to some Person having an Estate in Lands, Tenements, and Hereditaments of the clear yearly Value of Two hundred Pounds, or possessed of a Personal Estate of the Value of Three thousand Pounds.

Not to hold Places of Profit.

XIV. Provided also, and be it further enacted, That no Person shall act as a Commissioner in any Case, in the Execution of this Act, during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or during the Time of his being a Proprietor in the said Canal, or concerned or interested in any Contract or Bargain made or to be made for the Purpose of this Act, or in any Case where he shall be anyways interested or concerned in the Matter in Question; nor shall any Person act as a Commissioner in the Execution of this Act, otherwise than in administering an Oath to the Effect following to the other Commissioners, until he shall have taken and subscribed such Oath before any One of the said Commissioners, who is hereby authorized and impowered to administer the same; (that is to say),

Commissioner's Oath.

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

I am qualified to act as a Commissioner according to the Directions of the said Act.

And if any Person by this Act made incapable to act as a Commissioner, shall nevertheless presume to act as such in the Execution of this Act, every such Person shall, for every such Offence, forfeit and pay the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action at Law in any of his Majesty's Courts of Record at Westminster, and such Person so prosecuted, shall prove that he is qualified as aforesaid, or otherwise shall pay the said Sum of Fifty Pounds, without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act.

Commissioners may act as Justices.

XV. Provided always, That such of the said Commissioners who are or shall be in the Commission of the Peace for the County of Lincoln for the Time being shall and may, and are hereby impowered to act as Justices of the Peace in the Execution of this Act, notwithstanding their being Commissioners.

First Meeting of the Commissioners.

XVI. And be it further enacted, That the said Commissioners shall hold the First Meeting for the Purposes of this Act at such Time and Place as they shall be thereunto required by the First General Assembly of the said Company of Proprietors, (to be held as herein-after appointed), by publick Advertisement as herein-after mentioned; and the said Commissioners, at their said First Meeting, shall and are hereby required to appoint, out of Three Persons to be nominated by the said Company of Proprietors, such One or more of them as the said Commissioners shall think proper to be their Clerk or Clerks, and the said Commissioners shall have Power, from Time to Time, to remove any such Clerk or Clerks and appoint another or others in his or their Stead, out of Three Persons to be nominated as aforesaid, and every such Clerk or Clerks shall be paid for his or their Care and Trouble in the Execution of his or their Office by the said Company of Proprietors; and all the Orders and Proceedings of the said Commissioners, as well at this their First as at any subsequent Meeting, shall be regularly entered by their Clerk or Clerks in a Book to be kept for that Purpose, and to be provided from Time to Time by the said Company of Proprietors, and such Entries, being signed by such Number of Commissioners respectively as are impowered by this Act to make such Orders,

Their Clerk.

Proceedings of the Commissioners to be entered.

or

or carry on such Proceedings, shall be deemed Originals, and shall be admitted as Evidence in all Courts of Law or Equity, but no such First or other Meeting whatsoever of the said Commissioners shall at any Time be had for putting into Execution any of the Powers or Authorities vested in them by this Act, unless Ten Days previous Notice at least of every such Meeting shall be given in a Lincoln weekly Newspaper, or in such other Manner as the said Company of Proprietors shall direct or appoint; and every Meeting of the said Commissioners by virtue of this Act shall be publick to all such Commissioners, and no Order, Direction, or Determination of the said Commissioners, or any of them, touching any of the Matters and Things herein contained, (except in such Cases as are hereby otherwise directed) shall be valid and effectual, 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 any such Meeting not being less than Five.

General Meetings of the Commissioners.

XVII. And be it further enacted, That upon any Refusal of any Owner or Owners, Occupier or Occupiers of, or any other Person or Persons interested in any Lands, Grounds Tenements, Hereditaments, or other Premises, which shall be marked or set out, taken, obstructed, damaged, or in any wise affected by the said Canal or Works, or any of them, to accept the Money, or the Compensation which shall be offered for or in respect of the same by the said Company of Proprietors, or their Committee, or by any of their Agents on their Behalf, it shall be lawful for the said Company, or such Committee, or for such Owner or Occupier, or other Person or Persons so interested as aforesaid, to make Application in Writing to any Five or more of the said Commissioners, (although they shall not then be assembled together at a Meeting for the Purposes of this Act) requesting or desiring them to appoint a Meeting of the said Commissioners, and it shall be lawful for the said Commissioners so requested or applied to, and they are hereby authorized and required, within Seven Days after such Request or Application made, to give publick Notice in Manner aforesaid of such Meeting to be held at such Time and Place as they shall think proper, such Time not being less than Fourteen nor more than Twenty-one Days from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized, impowered,

powered, and required to assemble at the Time and Place so appointed, in order to carry into Execution the Powers and Authorities hereby given to and vested in them; and in case the Business to be transacted at any such Meeting shall not be concluded or finished on or within the Day mentioned in such Notice, they the said Commissioners shall then adjourn themselves to, and shall afterwards meet at such Place and Time as they, or the Majority of them then present, shall think proper and convenient; and if it shall happen that there shall not appear at any Meeting which shall be so appointed a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then, and in such Case, any 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 House where the last Meeting of the said Commissioners was so appointed to be held, on that Day Fortnight next after the Day of such intended Meeting: Provided always, That every such 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 County where such Complaint or Dispute shall arise, and within Ten Miles from some Part of the said Canal.

Meetings to determine Disputes, to be held within 10 Miles of the Canal.

Commissioners shall fix the Price of Lands.

XVIII. And be it further enacted, That the said Commissioners shall be and are hereby authorized and required to examine Witnesses on Oath, to be administered by them, touching the Matters mentioned in the said written Application to be in Dispute, and they are hereby impowered and enabled, by Writing under their Hands and Seals, to determine and adjust, from Time to Time, on any such Application as aforesaid, what Sum or Sums of Money shall be paid by the said Company of Proprietors (either in Gross, or by an Annual Rent or Payment, at the Election of the Owner or Owners of such Lands) for the absolute Purchase of, or as a Recompence for the Use of the Lands, Grounds, or Hereditaments which shall be set out and ascertained as aforesaid, for making the said Canal, or any Part thereof, or for other the Purposes herein mentioned, and also to adjust and determine the Compensation to be made by the said Company of Proprietors for any Damages which may or shall be at any Time or Times hereafter sustained by any Bodies Politick, Corporate, or Collegiate, or by any Person or Persons respectively, being Owners of, or interested in any Lands, Grounds, Tenements, Mills, Mines, or other Hereditaments, for or by reason of the making,

using, repairing, or maintaining the said Canal, or the Reservoirs, Tunnels, Sluices, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or other Works or Conveniences, or by supplying the same, or any of them, with Water as aforesaid, or by the flowing, leaking, or oozing of Water over or through the Banks of the said Canal, Reservoirs, Sluices, or Trenches, or any of them, or over or through any Passages, Gutters, or Watercourses which shall be made pursuant to the Powers hereby given, or by not cleansing the same, or by reason or means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, or any of their Agents, Servants, or Workmen.

If Parties are dissatisfied with the Determination of the Commissioners, Value to be ascertained by a Jury.

XIX. Provided always, and be it further enacted, That if the said Company of Proprietors, or their Committee for the Time being, after such written Application as aforesaid, shall be dissatisfied with any such Judgement or Determination, and shall give Notice thereof in Writing to any Five or more of the said Commissioners, within Fourteen Days next after the same shall have been made, or if any such Body Politick, Corporate, or Collegiate, or any other Person or Persons so entitled or interested for and on his, her, or their Part or Parts, or for or on the Part of his, her, or their Cestuique Trust, or of any other incapacitated Person or Persons as aforesaid, shall be dissatisfied with the Determination of the said Commissioners, and shall refuse to accept such Purchase Money, or Annual Rent or Recompence, or other Compensation so determined and adjudged by them the said Commissioners, upon due Tender thereof made by or on the Behalf of the said Company of Proprietors, and shall give Notice in Writing to any Five or more of the said Commissioners of such Refusal, within Fourteen Days after such Tender shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters so in Dispute may be submitted to the Determination of a Jury, 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 Lincoln, or in case such Sheriff or his Under Sheriff shall happen to be One of the Company of Proprietors of the said Canal, or shall enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matters in Question, then to the Senior Coroner of the said County; and in case he shall be so interested, then to the next Coroner of such County in Point of Seniority, who shall not be so interested,

rested, commanding such Sheriff or Coroner (and the Sheriff or Coroner is hereby impowered and required) to impannel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to Law to be returned for Trials of Issues joined in his Majesty's Courts of Justice at Westminster, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, such Time not being less than Fourteen Days, nor more than Twenty-one Days after such Warrant shall have been 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, their Agents or Deputies respectively, shall return other honest and indifferent Men of the Bye Standers, or of others who can be speedily procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and every such Jury and Jurymen shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of his Majesty's Courts at Westminster; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners are hereby impowered and required to summon and call before them, and to hear and examine on Oath, any of the Witnesses touching the Matters in Question, and may order and authorize the said Jury, or any Seven or more of them, to view the Place and Places, or Matters or Things in Controversy; and such Jury shall, upon their Oaths (which Oaths, as well as the Oaths of such Witnesses, the said Commissioners are hereby impowered and required to administer) enquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money, or the Annual Rent or Rents which shall be paid for the Purchase, or for the Hire and Use of such Lands or Grounds, Mills, Mines, Waters, and Hereditaments, and the Compensation which shall be made for the Damages sustained as aforesaid; and the said Commissioners shall give Judgement for such Purchase Money, Rent, Recompence, or Compensation so assessed by such Jury; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, shall be binding and conclusive to all Intents and Purposes against all Bodies Politick, Corporate, and Collegiate, and against all Persons whomsoever.

Verdict of the Jury, &c. to be final.

XX. And

If Parties are unable or unwilling to treat, a Jury to ascertain the Verdict.

XX. And whereas it may happen that, by reason of Absence in foreign Countries, or other Impediment or Disability not before provided for by this Act, there may not, in certain Cases, be found any Person or Persons who may be legally capacitated to treat and contract with the said Company of Proprietors for the speedy and absolute Sale and Conveyance to them of the Lands and Grounds, or other Hereditaments and Premises which may be necessary and requisite for the Purposes of the said Canal, and other Works and Conveniences, or concerning a proper Compensation for the Damages which may be done thereby to such Lands or other Premises as aforesaid; and it may also happen that the said Bodies Politick, Corporate or Collegiate, or other Person or Persons who is or are, under the Provisions in this Act contained, or otherwise legally capacitated to treat and contract with the said Company of Proprietors for such speedy and absolute Sale and Conveyance, or for such Compensation as aforesaid, or of the Interest which he, she, or they may hold therein, may nevertheless refuse to enter into any such Treaty or Contract: Be it therefore further enacted, That in either of these Cases, whensoever the same shall happen, it shall be lawful for the said Company of Proprietors (after Notice, in Writing, given to the principal or other known Officer or Officers of such Body Politick, Corporate or Collegiate, or to the Tenant or Tenants, Occupier or Occupiers, or other Persons interested in the Use, Produce, or Profits of such Lands, Grounds, Hereditaments, and Premises respectively, or left at the Place or Places of his, her, or their usual Abode, for the Space of Ten Days), to make Application to the said Commissioners, who shall, and they are hereby impowered and required forthwith to summon and return a Jury in Manner herein-before directed, and to summon and call before them, and before the said Jury, and to examine on Oath, to be administered by the said Commissioners, all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matters in Question, and may order and authorize the said Jury, or any Seven or more of them, to view the Premises; and the said Jury shall, on their Oaths, assess and ascertain the Sum or Sums of Money, or annual Rent or Rents, which ought to be paid for the absolute Purchase of the Premises in Question, or the Compensation which ought to be made for the Damages which may or shall be sustained as aforesaid, and the said Commissioners shall give Judgement accordingly for and respecting the same, which shall be binding and conclusive against all

and every Person and Persons whomsoever, as hereinbefore mentioned or declared.

Compensation to be made for Tythes.

XXI. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tythes, both great and small, 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 Tythes, according to their respective Interests therein, such Tythes 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 herein-before directed to be ascertained: Provided, that in all Cases of spiritual Persons, such Recompence shall be made by an annual Rent only.

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

XXII. And be it further enacted, That whensoever 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 hereinbefore 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 Sum or 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, Wills, Waters, Hereditaments, or Premises of any Person or Persons whomsoever, as a Compensation for any Damages done to such Lands or other Premises, than had been previously offered by or on Behalf of the said Company of Proprietors before the Meeting of the said Commissioners, or than had been by them determined and assessed as aforesaid, or where any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by and on Behalf of the said Company of Proprietors, or where, by reason of Absence in foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at Hand who may be legally

gally capacitated to enter into 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 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 determined or assessed, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only, or in case of Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from, the said Company of Proprietors, by any Body Politick, Corporate or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act or otherwise, legally capacitated to treat, and convey or receive such Compensation as aforesaid, then, and in 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; and if the Dispute or Controversy shall be for Damages only, and no such Damages shall be given or assessed by the said Jury or Commissioners, then, and in such Case, the said Company of Proprietors shall and may recover, of and from the Person or Persons making Appeal to the said Commissioners or Jury, the Costs to be assessed as aforesaid by such Commissioners in any of His Majesty's Courts at Westminster.

Persons requesting Juries to enter into Bond to prosecute.

XXIII. Provided further, and be it further enacted, That all and every Person or Persons making Complaint, and requesting a Jury, shall (before the said Commissioners shall issue out their Warrant for that

Purpose) enter into a Bond with Two sufficient Sureties to the Treasurer to the said Company of Proprietors, in a Penalty of Fifty Pounds, with Condition to prosecute his, her, or their said Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Verdict, in case the same shall be given for no greater or for a less Sum or Rent than had been offered by or on Behalf of the said Company of Proprietors, or than had been assessed by the Commissioners before the summoning and returning the said Jury or Juries, for the Purchase of, or as a Recompence for any Lands, Grounds, Mills, or Hereditaments, or as a Compensation for any Damages, or in case no Verdict shall be found for Damages, where the whole Dispute was whether any Damage was or was not done as aforesaid.

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

XXIV. And be it further enacted, That the said Commissioners shall not, nor shall any of them be obliged or allowed, by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him, her, or them sustained, or supposed to be sustained, unless Application shall have been made in relation thereto by or on Behalf of such Person or Persons, to the said Company of Proprietors, or to their Clerk, within the Space of Three Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Penalties on Sheriffs, &c. making Default.

XXV. And be it further enacted, That if any Sheriff, Under Sheriff, Coroner, or other Person herein-before directed to act in the Place of such Sheriff, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon any such Jury shall not attend, or attending shall refuse to give his Verdict on Oath, or shall in any Manner wilfully neglect his Duty, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be examined upon Oath, or to give Evidence, every Person so offending respectively, having no reasonable Excuse to be allowed by the said Commissioners, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant under the Hands and Seals of the said Commissioners, or any Five of them, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus, after such Penalty, and

and the Charges of such Distress and Sale, shall be deducted; and every such Penalty which shall be paid by, or recovered from any Person who shall have been summoned to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Commissioners to be injured by the Default of such Person.

Verdict for Value of Lands and Damages to be ascertained separately.

XXVI. And be it further enacted, That the said Commissioners and Jury respectively shall award all Determinations, Judgements, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands, and other Hereditaments, separately and distinctly from the Consideration of Damages sustained, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for Damages, separately and apart from each other.

Power to enter and take Possession of Lands, &c. on Payment or Tender of Purchase Money.

XXVII. And be it further enacted, That on Payment or legal Tender 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 have been contracted or agreed for between the Parties, or determined and adjusted by the said Commissioners, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Lands, Water Mills, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money, Rent, or Compensation respectively, at any Time after the same shall have been so agreed for, determined, or assessed, or if the Person or Persons so entitled or interested, or any of them, cannot be found, then upon the Investiture thereof in such publick Funds or Government Securities, bearing an annual Interest, as the said Commissioners shall, by Writing under their Hands, appoint, in case the same shall exceed the Sum of Twenty Pounds, and if the same shall not exceed the said Sum, then on leaving the Money in the Hands of the Treasurer to the said Company of Proprietors, for the Use of such Proprietor, or other Person or Persons respectively, and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Grounds, or other Hereditaments respectively (or before such Payment or Tender,

Tender, by Leave of the Owners or Occupiers thereof), and then and thereupon such Lands and Grounds, Water Mills, and other Hereditaments, and the Fee Simple and Inheritance thereof, together with the said yearly Profits, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act, for ever, and such Tender, Payment, or Investiture, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to, and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder, of his, her, or their Issue, and of every other Person whomsoever: Provided nevertheless, That before such Payment, Security, or Tender as aforesaid, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security, for the Purpose of making the said Canal, or any other of the Works hereby authorized to be made.

Determinations of Commissioners, and Verdicts, to be recorded.

XXVIII. And be it further enacted, That all the Determinations of the said Commissioners, which shall be submitted and acquiesced in by the Parties concerned, and also the said Judgements and Verdicts (being first signed by the Commissioners present at the making of such Determinations, or taking of such Verdicts, and pronouncing such Judgements respectively), shall be transmitted to, and be kept by the Clerk of the Peace amongst the Records of the Quarter Sessions for the Parts of Lindsey, in the said County of Lincoln, as the Case shall require, and shall be deemed to be Records of the said Quarter Sessions, to all Intents and Purposes, 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, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every such Copy the Sum of Sixpence for every One hundred Words, and so in Proportion for any less Number of Words.

Purchase Money belonging to Corporations, &c. to be laid out to the same Uses.

XXIX. And be it further enacted, That all such 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, Ideots,

Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands are limited in strict Settlement for the Purchase or Exchange of or the Damage to be done to any Lands or Hereditaments by virtue of the Powers herein-before or herein-after contained, shall, in case the same shall exceed the Sum of Twenty Pounds, be laid out as soon as conveniently may be by such Bodies Corporate or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or other Person or Persons aforesaid, in the Purchase of Lands, Tenements, and Hereditaments in Fee Simple, which shall be conveyed to or to the Use of such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or to or for such other Person or Persons, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands and Grounds, Tenements, or Hereditaments, for or in respect whereof such Money shall be paid as aforesaid, were limited and assured at the Time when such Money was so agreed for, ascertained, or assessed respectively as aforesaid, or for such and so many of such Uses as shall be then existing and capable of taking Effect, and that such Conveyances and Settlements shall be made at the Expence of the said Company of Proprietors, and in the mean while, and until such Purchase or Purchases shall be made, the said Money 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, producing an annual Interest, in the Names of Two or more Persons, 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 and Securities, and also the annual Rent for such Lands and Grounds, Mills, Tenements, and Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid to such Person or Persons respectively as would have been entitled for the Time being to the Rents and Profits of such Lands and other Premises so to be purchased, in case the same had been purchased and settled pursuant to the Tenor and true Meaning of this Act.

Commissioners to settle the Proportion of Monies to be paid.

XXX. And be it further enacted, That the said Commissioners shall and are hereby impowered to settle what Shares and Proportion of the Purchase Money, or Compensation for Damages, which shall be so agreed

for, determined, and adjusted or assessed in Manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interest, except in Cases wherein other Provision is hereby made.

Money and Effects vested in the Company.

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

Company may raise 25,000*l.*

XXXII. And, to the End that the said Company of Proprietors may be enabled to carry on the said Undertaking, be it enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, and in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making, compleating, and maintaining the said Canal, provided the said Sum doth not exceed the Sum of Fifteen thousand Pounds in the Whole (except as hereinafter mentioned), and that the same be divided into such Number of Shares as herein-after directed, each such Share not to exceed One hundred Pounds, and that no Person subscribing thereto, or becoming a Proprietor in such Canal, doth or shall become a Proprietor of less than One Share; and the Money so to be raised is hereby enacted and appointed to be laid out and applied in the first Place to pay off and discharge all Expences incurred in obtaining and passing this Act, and of making Surveys, Plans, and Estimates, and doing and providing all other Matters and Things preparatory and previous thereto, or in Consequence thereof, and all the Residue and Remainder of such Money to be laid out and applied for and towards making, compleating, and maintaining the said Canal, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Application of Money.

The Subscription Money to be divided into Shares.

XXXIII. And be it further enacted, That the said Sum, or such Part thereof as shall be raised by the several

veral Persons herein-before named, and by such other Person or Persons who shall or may at any Time become a Subscriber or Subscribers to the said Canal, shall be divided into One hundred and fifty Parts or Shares, at a Price not exceeding One hundred Pounds per Share, and that the said One hundred and fifty Shares shall be and are hereby vested in the several Persons so subscribing the same, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, in Proportion and according to the Sum they and each of them shall severally subscribe and pay thereto, and all and every the said Shares shall be deemed to be Personal Estate, and transmissible as such, and not of the Nature of Real Property; and all Bodies Politick and Corporate, Person and Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and compleating the said intended Canal, shall be entitled to and receive, after the said Canal shall be compleated, the entire and neat Distribution of One hundred and fiftieth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum or Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in Proportion for any greater Number of Shares, and every Body Politick or Corporate, Person or Persons, having such Property of a One hundred and fiftieth Part or Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate proportionable Sum of Money towards carrying on the said Undertaking, in Manner herein-after enacted, directed, and appointed.

Every Subscriber to a 100*l.* Share to be a Proprietor.

XXXIV. And, to the End that all Matters and Things touching, concerning, or relating to the carrying on and completing the said Canal, may be managed and conducted in the most beneficial Manner, be it further enacted, That all and every Body and Bodies Politick and Corporate, or other Person or Persons, who shall by virtue of this Act subscribe or undertake for One hundred Pounds Share of the said Canal, shall be deemed a Proprietor for so much, and shall have a Vote in every publick Meeting or Assembly to be holden as herein-after appointed for carrying on the said Undertaking, which Vote may be given by him, her, or them, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors in the said Canal) duly authorized

thorized under his, her, or their Hand or Hands, and such Vote or Votes by Proxy shall be good and sufficient to all Intents and Purposes, as if such Principal or Principals had voted in Person; and any Body or Bodies Politick or Corporate, Person or Persons, who shall have One or more such Share or Shares, shall have Liberty, by him, her, or themselves, or by his, her, or their Proxy or Proxies regularly authorized as aforesaid, to give One Vote for each such Share, and not exceeding Ten Shares for any One Person, and for which he, she, or they shall be a Subscriber, or become a Proprietor as aforesaid, and whatsoever Question, Election of Officers, or other Matters or Things, shall be proposed, discussed, or considered in any publick Assembly to be holden by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share, provided that no Person shall be Proxy for more than Ten Shares.

For subscribing an additional Sum if necessary.

XXXV. And be it further enacted, That if the said Sum of Fifteen thousand Pounds, herein-before authorized to be raised, shall be found insufficient for the Purposes aforesaid, then, and in such Case, it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in Manner and Form aforesaid, or by the Admission of new Subscribers, any further or other Sum or Sums of Money for perfecting and completing the said Canal, not exceeding the Sum of Ten thousand Pounds; and every Subscriber towards raising such further or other Sum of Money shall have a like Vote by himself or his Proxy in respect of every such Share in the said additional Sum of Money to be raised, and shall also stand interested in all the said Profits and Powers of the said Canal, in Proportion to the Sum or Sums of Money he, she, or they shall or may subscribe thereunto, as generally and extensively to all Intents and Purposes, as if such further or other Sum or Sums of Money, hereby allowed to be subscribed for and raised, had originally been Part of the said Fifteen thousand Pounds, any Thing herein contained to the contrary thereof notwithstanding; or it shall be lawful for the said Company of Proprietors, or the Committee for the Time being, to be by them appointed by virtue of this Act, or any Five or more of such Committee, by Order of the General Meeting, at any of their Meetings assembled, to borrow or take up at legal or less Interest all or any Part of the said Sum or Sums of Money so borrowed on the Credit of the said Canal and Undertaking, as to them shall seem meet and convenient; and

they

they are hereby fully authorized and impowered to assign over the said Canal, Undertaking, and Premises, and all the Tolls, Rates, and Duties arising by virtue of this Act, or any Part thereof, the Costs and Charges of assigning the same to be paid out of such Tolls, Rates, and Duties, as a Security for such Sum or Sums of Money to be borrowed, with Interest, to such Person or Persons, or their Trustees, who shall advance the same, under the Common Seal of the said Company, by the following Words of Assignment, or by any other Words to the same Effect; (videlicet),

Form of Assignment.

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

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

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

Form of Transfer.

I *A. B.* do transfer the within written Assignment, with all my Right and Title to the Principal thereby secured, and to all the Interest now due thereon, to *C. D.* of

Executors, Administrators, and Assigns.

Dated this Day of

Witness *A. B.*

E. F.

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

Every Proprietor to have One whole Share.

XXXVI. Provided always, That no Person shall be capable of acting as a Proprietor for any of the Purposes of this Act, who shall not be possessed of One whole Share.

Assignment to be considered as Real Securities.

XXXVII. And be it enacted, That all and every such Assignment or Assignments, to be made or given by virtue of this Act, for securing any Sum or Sums of Money, shall,

shall, to all Intents and Purposes, be taken and considered as in the Nature of Real Securities to the Sum or Sums of Money which shall or may be advanced or lent upon the Credit thereof.

No Mortgagee deemed a Proprietor.

XXXVIII. Provided always, That no Person to whom any such Assignment shall be made or transferred as aforesaid shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such, either as Principal or Proxy, at any Meeting of the said Company of Proprietors, for or on Account of his or her having lent and advanced any Sum or Sums of Money on the Credit of any such Assignment.

For paying Interest on Mortgages.

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

General Assemblies of the Proprietors.

XL. And be it further enacted, That there shall be One Annual General Assembly or Meeting of the said Proprietors for putting this Act in Execution, the First of which shall be holden at the Talbot Inn, in Caistor aforesaid, upon the Twenty-fourth Day of June, in the Year of our Lord One thousand seven hundred and ninety-three, and the like General Assemblies or Meetings shall

be

be held on the Second Monday in May in every Year for the future, at or before the Hour of Eleven of the Clock in the Forenoon, in such respective Place as shall from Time to Time be ascertained and fixed at any general preceding Meeting, at which said First General Meeting the Proprietors assembled, together with such Proxies as shall be then present, shall chuse a Committee not exceeding Nine nor less than Five Proprietors of the said Canal, to manage, direct, contract for, and carry on the said Canal, and all the Affairs of the said Company of Proprietors for the Year then next following, or until another Committee shall be appointed, and to do all and every other Matters and Things whatsoever relating thereto, at which Meeting all the said Proprietors shall chuse or appoint a Treasurer or Treasurers, and a Clerk or Clerks, with fixed Salaries, who shall always attend the General Meetings and Assemblies of the said Proprietors, and the Meetings of the said Committee, and make Entries, and do whatsoever shall be ordered at such Meetings; and shall also appoint such Collectors and other Officers, with such Salaries or Rewards as they shall think proper, and shall have Power to remove any such Clerk, Treasurer, or Collector, and other Officers, from Time to Time, as they shall think fit; and the said Proprietors shall, and they are hereby required to take such Security from every such Treasurer and Collector, for the due and faithful Execution of his Office, as they the said Proprietors shall think proper; but no Person shall be capable of holding any Place of Profit under the said Proprietors who shall sell any Wine, Ale, or Spirituous Liquors by Retail: Provided always, that such Committee shall from Time to Time make Reports of their Proceedings to the said General Assembly, and be subject to the Examination and under the Controul of the said General Assembly 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 of the General Meetings, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

A Committee to be chosen,

and Officers,

and Security taken from them.

Annual Appointment of the Committee.

XLI. And be it further enacted, That the said Committee of Proprietors shall afterwards be annually chosen at a General Meeting of the Proprietors, and shall meet constantly Once a Month, or oftener if the said Committee shall find it necessary, at a Day, Hour, and Place to be appointed, until the said Canal shall be compleated, and as often afterwards at such Place, to be by them

appointed, after Seven Days Notice being given thereof by the Clerk of the said Company as Occasion shall require.

General Assemblies for chusing Committees to consist of 20 Shares.

XLII. Provided always, and be it further enacted, That if at any such General Assembly there shall not be Persons present who shall be possessed of Twenty Shares at the least in the said Undertaking, either as Principals or Proxies, no Choice of any General Committee, nor any Removal of any Person or Persons from any such Committee, nor any Election of any Person or Persons, in the Room of such of the Members of any such Committee who shall die or be so removed, shall be made at that Time, but in such Case there shall be another Assembly of the Proprietors of the said Canal at the same Place in the Week then next following, and on the same Day in the Week, and so from Time to Time, until there shall be Persons present at such Assembly having such Number of Shares as aforesaid; and such Choice, Removal, or new Appointment of any Member of any such Committee shall then take Place, and not before, and the Persons then chosen to be of any such General or other Committee shall have the same Powers which they would have had, and shall continue in such Offices until such Time as they would have done, had they been chosen by the said First Assembly herein-before appointed; and in case of Failure in the assembling of a sufficient Number of Proprietors, having Twenty Shares, as Principals or Proxies, at such First Assembly, every Proprietor who shall not attend such Second Assembly in Person or by Proxy shall forfeit to the said Company of Proprietors, for every Share which he or she shall possess in the said Navigation or Undertaking, the Sum of Ten Shillings, to be deducted out of the next succeeding Payment of Interest, or Dividends of the Profits of the said Undertaking, as the Case may happen.

Meeting of Proprietors may be called upon Emergencies.

XLIII. And be it further enacted, That if it shall at any Time appear to any Five or more of such Proprietors that, for the more effectual putting this Act in Execution, an occasional General Meeting of the Proprietors is necessary to be holden, it shall be lawful for such Five or more of them to cause Notice to be given thereof in the Lincoln and Stamford Newspaper, declaring in such Notice the Place where and the Time when such Meeting is to be holden (the same not being less than Fourteen Days after such Notice given), and likewise specifying in every such Notice the Reason for and Intention of such Meeting respectively, and the Proprietors are hereby authorized to meet pursuant to such Notice, and proceed to the Execution of the Powers by this Act given, with

respect to the Matters so specified only, and every such Act of the Proprietors, to be determined by the major Part of Votes and Voices of such Meetings assembled, shall be as valid, to all Intents and Purposes, as if the same were done at any Annual Meeting held in the Manner herein-before appointed.

General Assemblies may audit and settle Accounts.

XLIV. And be it further enacted, That every such General Assembly shall have Power, from Time to Time, to call for, audit, and settle all Accounts of Money laid out and disbursed concerning the said Canal, with the Receiver or Receivers, and other Officer or Officers, to be by them appointed, or any other Person or Persons whomsoever employed by or concerned for or under them, in and about the said Canal, and for that Purpose shall have Power to adjourn themselves over, from Time to Time, and from Place to Place, as shall be thought convenient, and every General Assembly, or such Committee, shall have Power, from Time to Time, to make such Call or Calls of Money from the said Company of Proprietors, to defray the Expences of carrying on the said Canal, as they from Time to Time shall find wanting and necessary for the several Purposes aforesaid, so as that each Call shall not exceed the Sum of Ten Pounds for every One hundred Pounds, the Time for each intermediate Call being left to the Discretion of the Committee, which Money so called for shall be paid into the Hands of the Treasurer or Treasurers of the Company for the Time being, to be paid and applied in such Manner as the said General Assembly, or the said Committee, shall from Time to Time appoint and direct, for the Use of the said Undertaking, and such Committee shall, until the next General, Annual, or other Assembly to be holden in Manner as aforesaid, have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in laying out and in purchasing Lands, Liberties, and Materials, for the Use of the said Canal, as employing, ordering, and directing the Works and Workmen, and in placing and displacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter, be done or transacted without the Concurrence of a Majority of the said Committee absolutely then and there assembled; and such Committee may adjourn themselves from Time to Time, as they shall see Occasion; and every Owner or Owners of One or more Part or Parts, Share or Shares in the said Undertaking, shall pay his, her, or their Share or Proportion,

Power in the General Assembly or Committee to make Calls.

Proportion, Shares or Proportions of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed by the said Committee, Notice thereof being given by the Clerk of the said Company, by publishing the same in the Lincoln and Stamford Newspapers; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share, Parts or Shares of the said Money to be called for by the First Call as aforesaid, at the Time and Place so to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in His Majesty's Courts of Record, by Action of Debt, or on the Case, Bill, Suit, or Information, wherein no Essoin, Protection, or Wager at Law, or more than One Imparlance, shall be allowed; and in case any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for by the First Call as aforesaid, for the Space of One Month after the Time and Place so appointed thereof as aforesaid, then he, she, or they, so neglecting or refusing, shall forfeit the Sum of Forty Shillings for every of his, her, or their respective Share or Shares, Parts and Interest in the said Canal, Undertaking, and Premises; and in case any such Person or Persons shall neglect to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for after the First Call as aforesaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, then he, she, or they so neglecting shall forfeit his, her, and their respective Share and Shares, Parts and Interests in the said Canal, Undertaking, and Premises, and all the Profit and Benefit thereof, all which Forfeiture shall go to the rest of the said Company of Proprietors of the said Canal, in Trust for, and for the Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests therein.

General Meetings to declare Forfeitures of Shares.

XLV. Provided always, That no Advantage shall be taken of any Forfeiture of any Share or Shares of the said Canal, Undertaking, and Premises, until after the same shall be declared to be forfeited at some General Meeting of the said Company of Proprietors, which shall be holden within Six Calendar Months next after such Forfeiture shall incur or be made, and every such Forfeiture shall be an Indemnification to and for every Proprietor so forfeiting against all Actions, Suits, or Prosecutions whatsoever to be commenced or prosecuted for any Breach of Contract or Agreement between such Proprietor so forfeiting

forfeiting and the rest of the Proprietors, with respect to carrying on the said intended Canal.

Power in General Meetings to remove Committees and make Bye Laws.

XLVI. And be it further enacted, That the said Company of Proprietors shall always have Power and Authority, at any General Meeting, to remove or displace any Person or Persons chosen to be of such Committee as aforesaid, or any Officer or Officers under them, and to chuse and appoint new ones, and to revoke, alter, amend, and change any of the Rules or Directions herein-before prescribed and laid down with regard to their Proceedings amongst themselves, as to the major Part of them shall seem meet (the Method of calling General or Special Assemblies, and voting and appointing Committees, only excepted), and shall have Power to make such new Rules, Bye Laws, Orders, and Regulations (not being repugnant to this Act, or the Laws and Statutes of the Realm) for the good Government of the said Company, and for the good and orderly carrying on, completing, and maintaining of the said Canal, and of all such Warehouses, Wharfs, Passages, Locks, Tunnels, and all other Things that shall be made for or on Account of the same, and of and concerning all such Vessels, Goods, and Commodities as shall be navigated and conveyed thereon, and also for the well Government of the Bargemen, Watermen, Boatmen, and all other Persons employed in haling or navigating Vessels or Boats upon any Part of such Canal, and from Time to Time to alter and repeal the said Bye Laws and Regulations, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons offending against the same, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as are herein-after mentioned; which said Rules, Bye Laws, and Regulations, being put into Writing under the Common Seal of the said Company of Proprietors, shall be binding to 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.

Executors, &c. of Owners of Shares indemnified for Money when called for.

XLVII. And be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall die before Calls shall be made for the full Sum to be advanced on each Share which he, she, or they shall have been possessed of or entitled unto, without having made Provision by Will or otherwise how such Share or Shares shall be disposed of, and the Money paid in upon Calls for the future, then, and in such

Case,

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

Share of deceased Owner.

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

How Shares may be disposed of.

required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee or Clerk as aforesaid, and filed and entered as above directed, such Purchaser or Purchasers shall not have any Part or Share of the Profits of the said Canal, or any Interest for the said Share paid to him, her, or them, or any Vote as Proprietor or Proprietors as aforesaid; and no Purchaser or Purchasers of any Share or Shares in the said Company shall be entitled to vote at any General Meeting, unless it appears by the Regulation Book of the said Company that he, she, or they have or hath been a Proprietor of such Share or Shares for at least Three Calendar Months before that Time, save and except such Proprietor or Proprietors who became so by Inheritance, Devise, or legal Representation, or as a Trustee or Guardian as aforesaid, who shall have a Right to vote, in every Respect to act so soon as their Claims and Rights thereto are made out and entered in the Register Book of the said Company in Manner aforesaid.

No Share to be sold after Call made, until the Money is paid.

XLIX. And be it further enacted, That after any Call of such Monies shall be made by Authority of this Act, no Person or Persons shall sell or transfer any Share which he, she, or they shall then have in the said Canal, until the Monies called for upon their respective Share or Shares so to be sold shall be paid; and every Person making Default herein shall forfeit his, her, and their respective Share or Shares of the said Canal to the said Company, in Trust for the Benefit of all the other Proprietors, unless the Person or Persons who shall be Tender or Tenders shall at the Time of such Transfer pay the Money called for upon every Share so sold or transferred to the Treasurer of the said Company, such Forfeiture having been first notified and declared at a General Meeting, in Manner before directed.

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

Shares how to be assigned.

I *A. B.* in Consideration of paid to me by *C. D.* do hereby bargain, sell, assign, and transfer to the said *C. D.* his Executors, Administrators, and Assigns, Share [*as the Case is*] in the Canal from

to hold to him the said *C. D.* his Executors, Administrators, and Assigns, subject to the same Rules, Orders, and

and Conditions, and on the same Conditions, that I held the same immediately before the Execution thereof: And I the said *C. D.* do hereby agree to accept thereof, subject to the same Rules, Orders, and Conditions. Witness our Hands and Seals, the Day of in the Year

Regulations as to the Acquisition of Shares.

LI. And whereas much Inconvenience may arise by the frequent Transfer and Sale of the Right and Title to the Shares of and in the said Undertaking by Marriage and Death of Proprietors; and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming 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 Undertaking 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 or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk or Clerks to 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 or Clerks for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking 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 Clerks, 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 or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in Manner herein-before set forth.

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

LII. And, for the better Security of the several Proprietors of the said Undertaking to their respective Shares therein; be it further enacted, That the said Company

Company of Proprietors shall and are hereby required, at their Second General Assembly, to cause the Names and proper Additions of the several Persons who shall be entitled to Shares in the said Undertaking, with the Number of Shares to which they are respectively entitled, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book, to be kept by the said Company of Proprietors; and after such Entry to cause their Common Seal to be affixed thereto, and shall cause as many Tickets or Instruments to be prepared as there are Shares in the said Undertaking, bearing respectively the correspondent Numbers in the said Book, with the Common Seal of the said Company affixed to each such Ticket, and to cause to be delivered to every such Subscriber, upon Demand, a Ticket or Tickets specifying the Share or Shares to which he or she is entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and no more for every such Ticket or Instrument; and every such Ticket or Instrument shall be admitted in all Courts whatever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Shares therein specified, but the Want of any such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof.

Tonnage Rates.

LIII. And, for enabling the said Company of Proprietors to carry on the said Undertaking; be it further enacted, That at such Place or Places, upon or adjoining the said Canal, and in such Manner and under such Regulations as the said Company of Proprietors shall direct and appoint, there shall be paid for Tonnage for all Goods, Wares, Merchandize, Commodities, or other Things whatsoever, which shall be navigated, carried, or conveyed up or down, or in, along, or upon the said Canal, to the Collector or Collectors to be nominated by the said Company of Proprietors by virtue of this Act, by all and every Person and Persons who shall so navigate, carry, or convey, any such Goods, Wares, Merchandize, Commodities, or other Things whatsoever, such Sum or Sums of Money for the several Rates or Duties thereof, over and above what shall or may be paid for the Freight or Carriage thereof, as the said Company of Proprietors shall from Time to Time think fit and proper to appoint, not exceeding the Rates or Duties herein-after mentioned; (that is to say);

For every Quarter, containing Eight Winchester Bushels, of Wheat, Rye, Shelling Beans, Peas, Vetches,

Vetches, and Lintels, and for every Quarter of Apples, Pears, Onions, and Potatoes, Three Halfpence per Mile:

For every Quarter, containing Eight Winchester Bushels, of Barley, Malt, and Oats, One Penny per Mile:

For every Pack or Sheet of Wool, dried Pelts, or Spetches, weighing Three hundred and twelve Pounds Avoirdupoise, the Sheet included, Three Halfpence per Mile:

For every Ton of Coal, Sleck, Cinders, Culm, and Charcoal, Four-pence per Mile:

For every Ton of Lime, Three-pence per Mile:

For every Ton of Bricks and Tiles, Two-pence per Mile:

For every Ton of Stone Flag, Paving Stone, and Slate, Three-pence per Mile:

For every Ton of Cast Metal Goods ready for the Purpose for which they are intended, except dressing, cleaning, and putting together, and for every Ton of Bar and other Iron, Sixpence per Mile:

For every Ton of English Oak Timber and Plank, containing Forty Cubical Feet; for every Ton of Ash, Elm, and other English Timber, Fir, and all other Kinds of Foreign Timber, containing Fifty Cubical Feet, according to the customary Way of measuring; and for every Ton of Deals and Battens, equal to Thirty Deals of Twelve Feet long, Three Inches thick, and from Nine to Twelve Inches Broad, Four-pence per Mile:

And for every Ton of Groceries of all Kinds, of Linen and Woollen Yarn, Cotton, Flax, Hemp, manufactured Goods of all Sorts, and of any other Kind of Goods, Wares, Merchandize, Commodities, or Things whatsoever, not before enumerated and rated, Eight-pence per Mile:

Proportion of a Mile to be taken as a Mile.

And in all Cases where there shall be a Fraction of a Mile in the Distance which any Boat or other Vessel shall be navigated or pass upon the said intended Canal, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a whole Mile; and in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Boat or other Vessel so to be navigated on the said intended Canal, a Proportion of the said Rates shall be demanded and taken by the said Company of Proprietors for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of

a Ton in any such Weight of Lading as aforesaid, Tonnage shall be paid for the same according to the Number of Hundred Weights in such Fraction; and in all Cases where there shall be a Fraction of a Hundred Weight, such Fraction shall be deemed and considered as One Hundred Weight; all which said Rates shall be paid to such Person or Persons, at such Place or Places, near to the said Canal, or any Part thereof, in such Manner, and under such Regulations, as the said Company of Proprietors, at some General or Special Assembly or Assemblies, shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates, or any Part thereof, 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 of His Majesty's Courts of Record at Westminster, or the Person or Persons to whom such Rates ought to have been paid may, and he and they is and are hereby impowered to seize and distrain the Goods or other Things for or in respect whereof any such Rates ought to have been paid, or any Part thereof, or the Boat or other Vessel laden therewith, and detain the same until Payment thereof shall be made, together with reasonable Charges for such Seizure and Distress; and if such Distress shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; and the said Company of Proprietors shall have full Power, from Time to Time, at any General Assembly, to lower or reduce all or any of the said Rates, and again to raise the same to such Sums as they shall think proper, not exceeding the Sums before mentioned, as often as it shall be deemed necessary for the Interests of the Undertaking.

Recovery of Rates.

Rates may be altered.

Payment of Wharfage.

LIV. And be it further enacted, That if any Coals, Stones, Bricks, Lime, Timber, Lead, or any other Goods, Wares, or Merchandize whatsoever, which shall be so navigated, carried, or conveyed upon the said intended Canal, shall remain upon any Quay or Wharf belonging to the said Company of Proprietors for above the Space of Forty-eight Hours, then, and in such Case, the said Company of Proprietors shall be entitled to receive such reasonable Allowance, over and above the Rates herein-before authorized to be taken, as shall be agreed upon by them, their Agent or Agents, and the Owner or Owners of such Coals, Stones, Bricks, Lime, Timber, Lead, or other Goods, Wares, or Merchandize; and in case any Dispute shall arise concerning such Allowance,

ance, the same shall be ascertained and adjusted by the said Commissioners.

Exemptions from Rates.

LV. Provided always, and be it further enacted, That none of the said Rates shall be payable, or demanded or taken, by virtue of this Act, for or in respect of any Officers or Soldiers upon their March, or for any Horses, Arms, or Baggage of or belonging to such Officers or Soldiers; or for or in respect of any Timber purchased or provided for the Use of His Majesty's Navy, or any Stores or other Things belonging to His Majesty's Naval or Military Service, the Person or Persons having the Care or Conduct of such Timber, Stores, and other Things belonging to His Majesty's Service, producing a Certificate from the Navy Board or the Board of Ordnance that such Timber, Stores, or other Things, are for His Majesty's Naval or Military Service; and that none of the said Rates shall be payable, or demanded or taken, by virtue of this Act, for or in respect of any Gravel, Sand, or other Materials to be employed for the Purpose only of making or repairing of any publick Roads, nor for or in respect of any Dung, Marl, Soil, Compost, or other Manure for the Purpose of manuring of any Lands or Grounds belonging to any Person owning Land or Ground through or adjoining which the said Canal shall pass or be made, provided the same do not pass any Lock to be made by virtue of this Act, but at such Time when the Water shall flow over the Waste Weir of such Lock, and that the Person or Persons who shall own to be concerned or employed in carrying such Gravel, Sand, or other Materials, Dung, Marl, Soil, Compost, or other Manure, shall have free Liberty to make Use of the Towing Paths, Wharfs, or Quays, belonging to the said Company of Proprietors, such Person or Persons not suffering the same to lay upon such Wharfs or Quays longer than may be necessary for the loading, unloading, and conveying thereof from and to the several Places where they are to be put on Board and unloaded: Provided also, that if any Person shall claim and take the Benefit of such Exemption, not being entitled thereto, or shall use or dispose of any of the Articles for which any such Exemption shall have been allowed, in any other Manner than as before mentioned, he shall for every such Offence forfeit any Sum not exceeding the Sum of Five Pounds.

Company impowered to lease the Rates.

LVI. 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 General Assemblies, by Writing under their Common Seal, at

at any Time or Times, to let to farm the Rates hereby granted, 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 the same as if they had been appointed for that Purpose by the said Company of Proprietors: Provided such publick Notice of the Intention to let the said Tolls, or any Part thereof, be given, by Writing under the Hands of the said General Committee, or any Five or more of them, in such Manner as hereinbefore is mentioned, at least Twenty 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.

LVII. And, for the more easy, effectual, and just Collection of the said Rates hereby directed to be paid to the said Company of Proprietors, be it further enacted, That the Master, Owner, or Manager of every Boat or other Vessel navigating upon the said Canal, or upon any Part or Parts thereof, shall give to the Collectors of the said Rates, or to any other Officers to be appointed for such Purpose by the said Company of Proprietors, at the Place or Places where he or they shall attend for that Purpose, a just Account in Writing, signed by the Master, Owner, or other Person or Persons having the Rule or Command of such Boat or other Vessel, of the Quantity of Goods, and other Things, and of their Nature, Sort, or Kind, which shall be embarked in or upon such Boat or other Vessel, from whence brought, and where the same is intended to be landed; but if the Goods or other Things contained in any such Boat or other Vessel shall be liable to the Payment of different Rates, then such Master, Owner, or other Person, shall specify the Quantities liable to the Payment of each of the said Rates; and in case he or they shall refuse or neglect to give such Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall give a false Account, or shall deliver any Part of such Lading or Goods at any other Place or Places than is or are mentioned in that Account, every Person so offending shall forfeit and pay the Sum of Twenty Shillings for every Ton of Goods or other

Things

Things (and so in Proportion for any less Quantity than a Ton) which shall be in or be conveyed by such Boats or other Vessels respectively, of which or of whose Lading such Account shall be refused, or such false Account given, or whose Lading shall be delivered out as aforesaid (as the Case shall happen to be), over and above the aforesaid respective Rates which shall be payable for the same.

In case of Difference concerning the Weight, Collector may weigh them.

LVIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, and the Master or other Person having the Care, Charge, or Rule of any Boat or other Vessel, or the Owner of any Goods, Wares, Merchandize, or other Things loaded or embarked therein, concerning the Measure of such Timber, or concerning the Weight or Quantity of the Goods, Wares, or other Matters or Things therein embarked or contained, it shall be lawful for any such Collector to seize and detain any such Boat or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Timber, Goods, Wares, and Merchandize, or other Matters or Things as shall be therein embarked or contained; and in case the said Timber, or the said other Matters and Things, or any of them, shall, upon such weighing, measuring, or gauging, appear to be of greater Measure, Weight, or Quantity than such Master, Owner, or other Person having the Care or Charge of such Boat or other Vessel affirmed the same to be, then the Master, Owner, or other Person so affirming shall pay the Costs and Charges of such weighing, measuring, and gauging, all which said Costs and Charges, upon Refusal of Payment upon Demand, shall and may be recovered in the same Manner as the said Rates are hereby appointed to be recovered; but if such Timber, Goods, Wares, Merchandize, Matters, and Things, shall appear to be of the same or of a less Weight or Quantity, than the Master, Owner, or other Person so affirmed the same to be, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall appear to the said Commissioners, upon the Oath of any credible Witness, (which Oath the said Commissioners are hereby impowered and required to administer), to have arisen from such Seizure and Detention, and in Default of immediate Payment thereof the same shall be recovered from the said Company of Proprietors, by Action of Debt in any of his Majesty's Courts of Record.

Power to fix the Price of small Parcels.

LIX. 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 ascertain and fix the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Canal, or upon any Part thereof; and the said Company of Proprietors shall, from Time to Time, cause to be printed and affixed upon every publick Wharf on the said Canal, in some conspicuous Place, a List or Account, ascertaining and particularizing the Price, or Sum or Sums of Money so to be charged or taken for the Carriage of such Parcels as aforesaid upon the said Canal, or upon any Part thereof; and in case any Owner or Master, or other Person belonging to any Boat or other Vessel navigating or passing upon the said Canal, or upon any Part or Parts thereof, after such printed Paper so ascertaining and particularizing the Price, or Sum or Sums of Money at which every such Parcel shall be so carried and conveyed, shall be so fixed up as aforesaid, shall demand or take, for the Carriage of any such Parcels as aforesaid, more than the Price, or Sum or Sums of Money in such printed Paper ascertained and particularized for that Purpose, such Owner, Master, or other Person, shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

Navigation to be free upon Payment of Rates, under certain Restrictions.

LX. And be it further enacted, That all Persons whomsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways, (except the Towing Paths), and likewise the Sluices, Trenches, and Passages, to be made by virtue of this Act, for the Purpose of conveying any Minerals, Merchandize, Timber, or other Goods, Wares, Merchandize, or other Things, to or from the said Canal, or any Part thereof, without paying any Thing for the same; and also to navigate, and pass upon, and use the said Canal with any Boats or Vessels (of Pleasure or otherwise), and to employ the said Wharfs and Quays for loading and unloading such Minerals, Merchandize, Timber, and other Goods and Things; and also to use the said Towing Paths with Horses or otherwise, for haling and drawing such Boats and Vessels, upon Payment of such Rates as shall be demanded by the said Company of Proprietors, not exceeding the Sums herein-before mentioned.

Drains to be made to convey Water

LXI. And, to the End that the said Canal may be carried on with as little Damage to private Property as possible,

possible, be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their own proper Costs and Charges, to make, or cause to be made, such Arches, Tunnels, Culverts, Drains, or other Passages, over, under, by the Side of, or into the said Canal, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Depth, Breadth, and Dimensions as shall be sufficient at all Times to convey the Water from the Lands adjoining or lying near to the said Canal, without obstructing or impounding the same; and likewise to make, or cause to be made, such Back Drain or Drains as may be necessary, and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Canal, or any Part thereof, to the Prejudice of any of the Lands or Grounds contiguous thereto; and also to make proper Watering Places for Cattle in all Cases where by Means of the said Canal the Cattle of any Person or Persons occupying Lands adjacent to the said Canal shall be deprived of their ancient Watering Places, and to supply the same with Water out of the said Canal, if necessary, and that all such Bridges, Arches, Tunnels, Culverts, Drains, and other Passages, shall, from Time to Time, be supported and kept in good and sufficient Repair by the said Company of Proprietors; and if at any Time after One Month's Notice in Writing shall, by or on Behalf of the said Owners or Occupiers of Lands adjoining or lying near to the said Canal, or any Part of them, be given to the said Company of Proprietors, or to their Clerk or Clerks, known Agent or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from any Five or more of the said Commissioners, at any Meeting, from Time to Time, as often as there shall be Occasion, and the said Commissioners are hereby authorized and required, at their Discretion, to grant such Order as aforesaid, enabling such Person or Persons to cleanse and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, and the reasonable Expences thereof (to be ascertained by the said Commissioners) shall be defrayed by the said Company of Proprietors; and in case of Neglect or Refusal to satisfy and defray such Expences for the Space of Two Calendar Months after Demand thereof made

from the Lands adjoining;

and Watering Places for Cattle.

upon the said Company of Proprietors, or upon their Clerk, or known Agent or Collector, such Expences shall and may be recovered in such Manner as any other Money is by this Act directed to be recovered from the said Company of Proprietors: Provided always, That such Owner or Occupier of the said contiguous or adjoining Lands shall at the Time of making such Complaint have his or her respective Ditches, Drains, Passages for Water, and Watercourses leading to or from the Drains, Culverts, and Passages of the said Canal, and every Part thereof, sufficiently cleansed and opened to convey Water into the same: And provided also, That nothing herein contained shall extend to enforce the admitting of any Water arising from Floods into the said Canal, which may injure the same.

For fencing off Towing Paths.

LXII. And be it further enacted, That the said Company of Proprietors shall, at their own Costs (within Three Calendar Months next after any Part of the said Canal, Trenches or Passages, and Towing Paths thereto respectively belonging, shall be dug out and formed) divide and separate, and keep constantly divided and separated, the Towing Paths on the Side of the said Canal, Trenches, or Passages, or such Part or Parts thereof respectively as shall from Time to Time be declared necessary by the said Commissioners, or any Five or more of them, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences, sufficient to keep off Cattle and Sheep where necessary to be set and made on the Lands and Grounds which shall be purchased by, conveyed to, or vested in them as aforesaid; and the said Company of Proprietors shall, at their own proper Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences, so set up and made as aforesaid, and also shall, at their own like Costs and Charges, make, erect, and set up and from Time to Time maintain and support, such and so many convenient Gates, Bridges, and Stiles, in, over, and through all the Hedges and Fences to be by them so made on the Side of such Towing Paths as aforesaid, in such Manner as the said Commissioners shall at such publick Meetings from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, or Hereditaments, adjoining to such Canal and other Works, or any of them respectively; and the said Company of Proprietors shall not make the said Canal, or any Part thereof, or any

Trench

Trench or Watercourse belonging to the same, in or across any Common Highway, publick Bridle Way, or Foot Path, until they shall, at their own proper Costs and Charges, have made and perfected such Bridge or Bridges, Passage or Passages, Arch or Arches, over, across, or under the same Highway, publick Bridle Way, or Foot Path, of such Dimensions, and in such Manner, as the said Commissioners shall at some publick Meeting judge necessary and appoint, not being contrary to the true Intent and Meaning of this Act; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniences, so to be made as aforesaid, shall from Time to Time thereafter be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors.

If Company do not fence off Towing Paths and make Bridges, &c. Land Owners may do it at Company's Expence.

LXIII. And be it further enacted, That in case the said Company of Proprietors, or their Agents, shall refuse or neglect to divide and separate, and to keep divided and separated, the Towing Paths of the said Canal, in Manner herein-before directed, or to make, erect, and set up such Gates, Bridges, and Stiles in, over, and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or to make such Watering Places for Cattle as herein-before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands or Hereditaments adjoining or near to the said Canal, or to maintain and support such Gates, Stiles, Bridges, Arches, Passages, and Watering Places, when erected, set up, and made, of such Dimensions, and in such Manner as aforesaid, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners, then, and in every such Case, it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to make, erect, and set up all such Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniencies, as the said Commissioners shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors, and to maintain, repair, and support the same from Time to Time, as Occasion shall require, so that in making and maintaining such Works as aforesaid the said Canal, or the Banks thereof, shall not be stopped or injured for any longer Space of Time, or in any other Manner, than the same would necessarily have been if such Gates,

Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniencies of the like Dimensions or Constructions, had been made or erected by the said Company of Proprietors as aforesaid; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Commissioners) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, or other Hereditaments, who shall have so erected and made, repaired, or maintained such Works 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 in Writing shall have been delivered and made thereof to and from the said Company of Proprietors, or their Clerk for the Time being; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors which shall be found in or upon the said Canal, or the Wharfs, Quays, or Warehouses adjoining or near to the same, belonging to the said Company, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company of Proprietors, or to some of their known Agents or Collectors, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners; or otherwise every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the said Company of Proprietors, for the Recovery thereof, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed.

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

LXIV. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Canal shall be made, or any other Person having Right of Way or Passage over such Lands, do or shall at any Time or Times hereafter find, upon Experience, that the several Gates, Stiles, Bridges, Passages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Passages, Watering Places, and other Conveniencies respectively, which the said Commissioners shall have so directed or appointed

pointed to be made by the said Company of Proprietors, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of their respective Lands, Grounds, or Hereditaments, or Right of Way or Passage as aforesaid, on both Sides or on either Side thereof, then and so often, or in any such Case, it shall be lawful for all or any such Owners or Occupiers, or other such Person, with the Consent and Approbation of the said General Committee, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Ten 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, One or more Gate or Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniencies, of the same or the like Construction with others made and erected by the said Company of Proprietors, in, over, or near to the said Canal, or the Towing Paths thereof respectively, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Hereditaments, or Enjoyment of such Right of Way or Passage as aforesaid, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so as that the said Canal be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same must necessarily have been if such Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniencies, had been made or erected by the said Company of Proprietors as aforesaid.

Works damaged by Floods to be repaired by the Company.

LXV. And whereas it may happen from Floods, or from some unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Reservoirs, Trenches, or some other Works of the said Canal, may be injured and destroyed, and the adjacent Lands may thereby suffer Damage, and that it shall be necessary that the same should be immediately repaired or rebuilt, to prevent further 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 or upon any Lands, Grounds, or other Hereditaments adjoining or near to the said Canal, and other Works and Conveniencies, or any of them (not being the Ground whereon any House or other Building stands,

or

or an Orchard, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House), and to dig for, work, get, and 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 Case will permit, and making Recompence for the same to the Owners and Occupiers of, or other Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Three Calendar Months next after the same shall be demanded, which Damages, and the Compensation to be made in respect thereof, shall be settled and determined, or assessed, by the Ways and Means hereinbefore prescribed and directed with respect to other Damages to be done by making and compleating the said Canal.

Enabling the Company to cleanse the adjoining Watercourses at the Land Owners Expence.

LXVI. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining or lying contiguous to the said Canal and other Works, or any of them, shall, by Reason of their not being sufficiently cleansed or opened, hinder and obstruct the Watercourse or Watercourses from the Drains, Culverts, and Passages belonging to the said Canal, and if the same shall not be perfectly cleansed and opened within One Calendar Month after Notice in Writing shall have been given thereof to such Owner or Occupier, by any Clerk or Agent of the said Company of Proprietors, it shall then be lawful for the said Company of Proprietors (an Order in Writing for that Purpose having been first obtained from any Five or more of the said Commissioners), from Time to Time, as often as there shall be Occasion, to open and cleanse, or cause to be opened and cleansed, the said Ditches or Drains, and the reasonable Expences thereof, when ascertained and allowed by the said Commissioners, shall be repaid to the said Company of Proprietors by the Owners or Occupiers of such Lands or Grounds to which the said Ditches and Drains, so opened and cleansed, shall belong; and in case of Refusal to satisfy the same for the Space of Two Calendar Months after Demand shall have been made thereof from the respective Owners or Occupiers of such Lands and Grounds as aforesaid, such Charges and Expences shall and may be recovered in such Manner as Forfeitures and Penalties are herein-after directed to be recovered.

LXVII. And

LXVII. And be it further enacted, That any Owner or Owners of any Lands or Grounds through which the said Canal shall be made by virtue of this Act, may build, construct, or use any Wharfs, Quays, Landing Places, Cranes, Weigh Beams or Warehouses in or upon his, her, or their respective proper Lands and Grounds adjoining or near to the said Canal, or any Part thereof, and that any Lord or Lords, Lady or Ladies of any Manor or Manors, through which the said Canal shall pass, may build, construct, and use such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, on the Wastes belonging to the said Manor, and may land any Goods or Merchandize, or other Things thereupon, or upon the Banks lying between the same and the said Canal, without the Molestation or Hindrance of the said Company of Proprietors, or any others whatsoever, and may make and use proper and convenient Places for Boats and other Vessels to lie and turn in, and pass by each other, and may lay out and make proper and convenient Ways and Roads to and from the said Canal, so that the making, constructing, or using thereof respectively shall not obstruct or prejudice the said Canal, or any Part thereof, or the Towing Paths on the Sides thereof respectively; and all Rates which shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be and are hereby vested in such Lord or Lords, Lady or Ladies of such Manor or Manors, or in the Owner or Owners of such Lands or Grounds, who shall make, construct, and erect the same respectively as aforesaid, and in his, her, and their respective Heirs and Assigns, or so that the Rates herein-before granted to the said Company of Proprietors shall not be thereby reduced or altered.

Lords of Manors and Land Owners may erect Wharfs, &c.;

LXVIII. Provided always, and be it further enacted, That if any such Lord, Lady, or Land Owner, within the Space of Six Calendar Months next after Notice given in Writing to him or her, or left at his or her usual Place of Abode, by or on Behalf of the said Company of Proprietors, that any Part or Parts of such Lands, Grounds, or Wastes is or are intended to be used by them for the Purpose of making and erecting Wharfs, Warehouses, Buildings, or other Conveniencies as aforesaid, for the Use of the said Canal, or for laying out and making necessary and convenient Roads for the Conveyance of Goods to and from the same, shall not lay out, construct, and make, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient

but if not done within a certain Time, Proprietors may build.

sufficient Wharfs, Warehouses, Buildings, Roads and other Conveniencies as aforesaid, for the Use of the said Canal, as the said Commissioners shall think necessary; in case the said Company, and such Lord, Lady, or Land Owners shall not agree on the respective Parts of the Lands, Grounds, or Wastes described in such Notice, then, and in such Case, the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make Use of any such Lands, Grounds, or Wastes (not being the Ground whereon any House or other Building stands, or any Orchard, Garden, Park, Paddock, planted Walk, Nursery for Trees, or an Avenue to any House), for erecting and constructing proper and sufficient Wharfs, Warehouses, Buildings, and other Conveniencies as aforesaid, and for laying out and making necessary and convenient Roads to and from the said Canal, agreeably to such Notice to be delivered as aforesaid, they the said Company of Proprietors first making Satisfaction for the same in such Manner as is and hath been herein-before directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act, but nothing herein contained shall authorize the said Company to make any Wharf until Six Months Notice has been given to the Owner or Owners of the Land on which such Wharf is intended to be made.

Company of Proprietors or others not to use private Wharfs.

LXIX. Provided always, and be it 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 intended Canal, for his, her, or their private exclusive Use only, nor to set up, erect, repair, or use any Crane or Weighing Machine in or upon any such Wharf, Quay, or Landing Place, any Thing herein-before contained to the contrary notwithstanding.

Masters to put their Names on the Outside of the Boats.

LXX. And be it further enacted, That every Owner, Master, or Person having the Rule or Command of any Boat, Barge, or other Vessel, passing upon the said Canal (not being a Pleasure Boat) shall and is hereby required to cause his Name and Place of Abode, and the Number of his or her Boat, Barge, or other Vessel, to be entered with the Clerk or Clerks to the said Company of Proprietors, and shall also cause such Name and Number to be painted in large White Capital Letters and Figures,

Figures, on a Black Ground, Three Inches high at the least, and of a proportionable Breadth, on the Outside of the Head or Stern of every such Boat, Barge, or other Vessel, higher than the Place to which the same shall sink into the Water when full laden; and also shall and is hereby required to fix on each Side thereof respectively correct Inderes 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 shall permit and suffer every such Boat, Barge, or other Vessel, to be gauged, weighed, or measured, at the Expence of the said Company of Proprietors, whenever it shall be required by them, or any Person or Persons appointed for that Purpose, provided no such Vessel shall be gauged or measured more than Three Times in One Year; and every Owner, Master, or other Person having the Rule or Command of any Boat, Barge, or other Vessel, who shall navigate the same upon the said Canal without having such Name, Figures, and Inder thereon, as are herein-before directed, or shall alter, erase, deface, or destroy the same, or any Part thereof, or shall fix any false Name, Figures, or Inder, or shall refuse to permit and suffer the same to be gauged and measured, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds.

Weight of the Lading of the Vessels to be marked.

LXXI. And be it further enacted, That the Master or Owner of every Boat or other Vessel navigating upon the said Canal, shall be and is hereby made answerable for any Trespass, Damage, Spoil, or Mischief that shall by his Boat or other Vessel, or by any of the Boatmen, Watermen, or other Person or Persons belonging to, or employed in or about the same respectively, be done to any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, in, upon, or near the said Canal, either by the loading or unloading of any Boat or other Vessel, or by any other Means whatsoever, or to the Owners or Proprietors of any Buildings or other Erections, Lands, Tenements, or Hereditaments, adjoining to the same, or to any of them, and the said Master or Owner of such Boat or other Vessel may be sued and prosecuted for the same in any of His Majesty's Courts of Record at Westminster, and if a Verdict or Judgement shall be given against him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall re-

Boat Master accountable for Damage done by the Crew.

cover his Damages thereby sustained, with full Costs of Suit.

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

LXXII. And be it further enacted, That in case the Owner or Owners of any Boat or other Vessel employed on the said Canal, shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of any Neglect or Default done or committed by his or their Servants, Boatmen, or Watermen, or any of them, such Servants, Boatmen, or Watermen, and each and every of them, shall be liable to repay such Penalty or Damages (with the Costs thereof) to such Owner or Owners; and in case of Nonpayment upon Demand thereof, and Oath made by such Owner or Owners of the Payment made by him or them of such Penalty or Satisfaction for Damages, and that the same, and the Costs thereof, have or hath not been repaid to him or them by such Servants, Boatmen, or Watermen, or any of them, 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 Amount thereof shall be recovered in like Manner as any Penalty is hereby directed to be recovered.

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

LXXIII. And be it further enacted, That the said Company of Proprietors shall and may, in such Parts of the said Canal as shall not be of sufficient Breadth for admitting a Boat or other Vessel to turn about or lie whilst another Boat or Vessel shall pass by, or to admit Two Boats or other Vessels to pass each other, and they are in such Cases hereby impowered to make and cut proper Spaces or Openings into the Lands adjoining to the said Canal, at convenient Distances from each other, for the turning, lying, or passing by of any such Boats or other Vessels; and all such Boats and other Vessels which shall be haled or navigated upon the said Canal, shall, upon meeting any other Boat or Vessel navigating thereon, stop at, or go back to, and lie in the said Spaces or Openings, in such Manner as the said General Committee, by Writing under their Hands, shall from Time to Time direct or appoint.

Vessels lying so as to obstruct the Navigation, to be removed, and Vessels sunk to be weighed up.

LXXIV. And be it further enacted, That if any Boat or other Vessel shall be placed or shall lie abreast in any Part of the said Canal, or of any Trench, Sluice, or Passage belonging thereto, not being moored at both Ends, or if any Person or Persons navigating and having the Care of any Boat or other Vessel shall wilfully obstruct the Navigation by Means of the misplacing, or otherwise misconducting such Boat or other Vessel, and shall not immediately,

mediately, upon Request made, moor the same at both Ends, or alter the Situation of such Boat or other Vessel, or otherwise stop or effectually secure the same, as the Case shall require, so as that the said Obstruction shall cease and be removed, every Person so offending shall, for every such Offence, forfeit a Sum not exceeding Twenty Shillings, and also a Sum not exceeding Five Shillings for every Hour during which such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause any such Boat or other Vessel to be unloaded, if necessary, and to be removed, in such Manner as shall be proper for preventing such Obstruction in the Canal, and to seize and detain such Boat or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Unloading and Removal shall be paid; and if any Boat or other Vessel shall be sunk in any Part of the said Canal, or in any Trench or Sluice as aforesaid, and the Owner or Owners, or other Person or Persons having the Care of such Boat or other Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat or other Vessel to be weighed or drawn up, and to detain the same until Payment shall be made of all the Expences thereby necessarily incurred and occasioned.

Penalty on Persons overloading and obstructing the Navigation, or throwing Ballast, &c. therein.

LXXV. And be it further enacted, That if any Person or Persons shall float any Timber upon the said Canal, or shall suffer the Loading of any Boat or other Vessel navigating thereon to lie over the Sides thereof, or shall overload any Boat or other Vessel navigating thereon, so as by such floating, loading, or overloading, to obstruct the Passage of any other Boat or Vessel, and shall not, immediately upon Notice given of such Obstruction, hale such Boat or Vessel into such Place or Places, Opening or Openings, as shall be proper, or be made for the Purpose of enabling Boats and other Vessels to pass each other, or shall not otherwise remove the same, so as to make a free Passage for other Boats or Vessels navigating thereon, every such Owner or Owners, or other Person or Persons floating such Timber, or having the Care of such Boat or other Vessel obstructing the said Navigation as aforesaid, shall forfeit and pay for every such Offence a Sum not exceeding the Sum of Five Pounds; and if any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said Navigation, every such Person shall, for every such Offence, forfeit any Sum not exceeding the Sum of Five Pounds.

LXXVI. And

Penalty on Persons opening the Locks, or doing other Damage to the Canal.

LXXVI. And be it further enacted, That if any Person or Persons whomsoever shall wantonly or unnecessarily open or cause to be opened any Lock, Paddle, Valve, or Clough belonging to the said Canal, or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the same, or shall leave any of the said Cloughs open and running after any Boat or other Vessel shall have passed any Lock belonging to the same, or shall draw or cause to be drawn any Paddle, Valve, or Clough in any of the Lock Gates on the said Canal, so as to mispend or waste the Water thereof, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, nor less than Twenty Shillings.

Penalty on wilfully destroying any Works.

LXXVII. And be it further enacted, That if any Person shall wilfully and maliciously, and to the Prejudice of the said Canal, break, throw down, damage, or destroy any Banks or other Works to be erected and made by virtue of this Act, every such Person, being lawfully convicted, shall be adjudged guilty of Felony, and every such Person so offending, and being thereof lawfully convicted, shall be subject to the like Pain and Penalty as in Cases of Felony, or in Mitigation of such Punishment, the Court by and before whom such Person shall be convicted, may 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 said County of Lincoln, 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 or Justices, such Penalty, together with the 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 and may be committed to the Common Gaol for the County or Place where such Offence shall happen, for any Time not exceeding Six Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Regulations of Vessels passing the Locks.

LXXVIII. And be it further enacted, That no Boatman, or other Person navigating or having the Care of any Boat or other Vessel upon the said Canal, which shall pass 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 the same; and also

also that every such Boatman or other Person as aforesaid, in going down from the Head Level of the said Canal, shall, previous to his bringing his Boat or Vessel into any Lock, shut the lower Gates of such Lock before he shall draw the Cloughs of the upper Gates thereof, and after he shall have brought his Boat or other Vessel into the said Lock, he shall then shut the upper Gates before he shall draw the Cloughs of the lower Gates thereof; and in going up the said Canal toward such Head Level, such Boatman or other Person, so soon as he shall have passed with his Boat or other Vessel into the said Lock, shall shut the lower Gates of the same before he shall draw the Cloughs of the upper Gates thereof, unless there shall then be 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 Boat or other Vessel so going up the same, if within Sight of a Boat or other Vessel so coming down, and at a Distance not exceeding One hundred Yards below a Lock, shall pass through such Lock before the Vessel coming down, and then such other Vessel shall come down into the said Lock; and if there shall be more Vessels than One below and above any Lock at the same Time in such dry Season, within the Distance aforesaid, (which Distance shall be distinguished by a Post or Mark to be set up and made for that Purpose), such Vessels shall go up and come down at such Lock by Turns as aforesaid, until all the Vessels so going up or coming down shall have passed the same, by which Means One Lock-full of Water may serve Two Vessels; and if any Person or Persons shall offend in any of these Particulars, he or they shall forfeit the Sum of Ten Shillings; but if any Question or Dispute shall arise, on his or their Conviction, whether it was or was not a dry Season at the Time of such Offence committed, such Question shall be determined by the said Commissioners.

Lock Keepers not to give Preference.

LXXIX. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the said Company of Proprietors, shall give any Preference, or shew any Partiality to any Boat, Barge, or other Vessel, in passing through any Lock or Locks upon the said intended Canal, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weighing Beams, Cranes, and other Machines belonging to the said Company of Proprietors, every Person so offending

offending shall forfeit and pay the Sum of Twenty Shillings to the Informer.

Vessels passing Locks with less than 20 Tons, to pay for 20 Tons.

LXXX. Provided always, and be it further enacted, That every Boat or other Vessel, not being a Pleasure Boat, passing through any Lock or Locks, on the said Canal, with a less Lading than Twenty Tons, at any Time or Times when there shall be Water sufficient to enable Boats or other Vessels to pass such Lock or Locks with a Lading or Burthen of Twenty Tons, shall pay to the said Company of Proprietors a Tonnage Rate for Twenty Tons of Lading, in the same Manner as if such Boat or other Vessel had actually on Board Twenty Tons of Lading; but if at any Time there shall not be sufficient Water in such Lock or Locks to enable such Boat or other Vessel to pass through the same with Twenty Tons Weight of Lading, then, and in every such Case, it shall be lawful for all Boats, Barges, and other Vessels, to pass any such Lock or Locks with any less Weight of Lading than Twenty Tons, and the Owner or other Person having the Rule or Command of such Boat, Barge, or other Vessel, shall not be compellable to pay a Lock Due for any greater Weight of Lading than shall at such Time be actually on Board the same Boat or other Vessel, provided that such Lading shall not be less than the Water will enable such Boat, Barge, or other Vessel to carry, any Thing in this Act to the contrary thereof in anywise notwithstanding.

Canal not to be under the Power of Commissioners of Sewers; and how to be rated.

LXXXI. And be it further enacted, That the said Canal, or any of the 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 whatsoever; and the said Company of Proprietors shall and may, from Time to Time hereafter, be rated and charged to all Parliamentary and Parochial Taxes, Rates, and Assessments, for or on Account of any Lands or Grounds to be purchased or taken, or of any Warehouses or other Buildings to be erected by them in pursuance of this Act, in the same Proportions as other Lands, Grounds, and Buildings adjoining to or lying near the same are or shall be rated and charged.

The Right of Fishery in the Canal and Cut granted to Lords of Manors and Land Owners.

LXXXII. And be it further enacted, That the Lord and Lords, Lady and Ladies of all and every Manor and Manors through which the said Canal, or upon which any Reservoir shall be made, shall have and be entitled to the Right of Fishery of and in so much of the same as shall

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

Land Owners may use Pleasure Boats.

LXXXIII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said Canal to use any Pleasure Boat or Boats upon the same (not passing through any Locks, unless there shall be Water running over the Waste Weirs of such Locks, or unless they shall first pay Tonnage equal to a Boat or Vessel carrying Ten Tons, or obtain the Consent of the said Company of Proprietors), without any Interruption from the said Company of Proprietors, and without paying any Rate for the same, so as the same be not made Use of for carrying any Goods or other Things, and so as the same shall not obstruct or prejudice the Navigation of the said Canal, or the Towing Paths on the Sides thereof.

Mines reserved to Lords of Manors, or other Proprietors.

LXXXIV. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect the Right of any Lord or Lords, Lady or Ladies of any

any Manor or Manors, or of any Owner or Owners of any Lands or Grounds in, upon, or through which the said Canal, or any Part thereof, or any Towing Paths, Wharfs, Quays, Reservoirs, Trenches, Sluices, Passages, Watercourses, or other Conveniencies aforesaid, shall be made, to the Mines and Minerals lying and being within or under the said Lands or Grounds; but all such Mines and Minerals are hereby reserved to such Lord or Lords, Lady or Ladies of such Manor or Manors, and to such Owner or Owners of such Lands or Grounds respectively; and it shall be lawful for the Lord or Lords Lady or Ladies of such Manor or Manors, and for such Owner or Owners of such Lands or Grounds respectively, to work, get, drain, take, and carry away, to his, her, or their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing the said Canal, or any of the Works or Conveniences aforesaid.

Cuts may be made to Mines, with Consent of Land Owners.

LXXXV. And be it further enacted, That it shall be lawful for the said Company of Proprietors to make any Navigable Branch or Branches from the said Canal, in, through, or over any Common or Waste Lands, with the Consent under the Hands and Seals of the Lord or Lady of the Manor, and also in, over, or through any other Lands or Grounds, with such Consent of the Owners thereof, or the Guardians, Trustees, or Committees of any such Owners, who may be under any Disability or Incapacity of acting for themselves, to communicate with any Mine, Quarry, Bed, or Pit of Stone, Lime Stone, or other Minerals, being within the Distance of Five Miles from any Part of the said Canal; and such Branch or Branches, when made and completed, shall be deemed and taken as a Part or Parts of the Canal to be made by virtue of this Act, for and in respect of the Payment of Rates thereon, and for every other Use and Purpose of this Act; but if the Lord or Lady of any such Manor, or any such Owner or Owners of Lands, shall be desirous to make such Navigable Communication at his, her, or their own Expence, they, and either or any of them, is and are hereby authorized and impowered so to do; and such Lord or Lady, Owner or Owners, shall, in making such Communication, have the Benefit of, and be invested with all the Powers and Privileges given or granted to the said Company of Proprietors in and by this Act, as far as the same can be made applicable thereto: Provided, that Notice in Writing of such Intention be given to the said Company of Proprietors, or to their General Committee, or their Clerk or Clerks, before the said Company shall have begun

gun to make the same; and that such Communication shall be proceeded in with all due and reasonable Speed after such Notice given; and that the same shall lie under and be subject to all the Rules, Orders, and Restrictions of this Act, as far as the same can be made applicable thereto; and also provided that all such Communication shall be so made and effected without taking away, diverting, or lessening (unless with the Consent of the said Company of Proprietors) any Streams, Brooks, or other Waters which are necessary for the Supply of the said Canal, and without doing any other Damage or Injury thereto whatsoever.

Subscribers compelled to pay their Subscriptions.

LXXXVI. And be it further enacted, That the respective Persons who have subscribed, or who shall hereafter subscribe to advance any Money for and towards making and maintaining the said Canal, and the other Works hereby authorized to be made, shall, and are hereby required to pay the Sums which shall have been by them respectively subscribed, or such Parts and Proportions thereof as shall from Time to Time be called for by the said General Committee, by virtue of the Powers and Directions of this Act, at such Times and Places, and in such Manner, as shall be directed by the said General Committee; and in case any of such Subscribers shall neglect or refuse to pay the same at the Time and Place, and in the Manner required as aforesaid, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

Majority of the Proprietors may make future Applications to Parliament for Power to open other Communications with the Canal.

LXXXVII. And whereas the major Part of the Proprietors of the said Canal may hereafter judge it expedient to make Application to Parliament for Power to make other navigable Communications with the said Canal, than such as are authorized by this Act; but by reason of Infancy, or otherwise, may not be able to obtain the Consent and Concurrence of all the Proprietors: Be it therefore enacted, That in case the Persons entitled to the greater Number of the Shares in the said Canal shall, at any General Assembly of the said Company of Proprietors, think it proper to make any such Application to Parliament as aforesaid, it shall be lawful for them to order and cause the Common Seal of the said Company of Proprietors to be affixed to any Petition for that Purpose, and such Application to be proceeded in and prosecuted, and any Money arising by virtue of this Act to be applied in defraying the Expences incurred by or in consequence of any such Application, and the same shall be deemed to be the Act of the Whole of the said Company of Proprietors, in like Manner, as fully and effectually

tually as if every One of the said Proprietors had been capable of acting for himself, and had attended such General Assembly, and concurred therein; and it shall be lawful for the Guardians, Trustees, or Committees of the Proprietors of any such Shares, being Minors, Lunaticks, or under any other Disability or Incapacity of acting for themselves, and the Executors or Administrators of any deceased Proprietors of such Shares, to apply any of the Money which shall come to their Hands as Guardians, Trustees, Committees, Executors, or Administrators as aforesaid, towards defraying the proportionable Shares of the Expences incurred by and in consequence of any such Application which shall be payable by the Persons on whose Behalf they act, or to raise Money for that Purpose by Mortgage of any such Shares, which Mortgages they are hereby authorized to make, by Writing under their Hands and Seals, and the same shall be valid and effectual.

Fines and Forfeitures.

LXXXVIII. And be it further enacted, That all Fines and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye Law, to be made in pursuance thereof, (the Levying and Recovery of which Fines and Forfeitures are not particularly herein-before directed), shall, in case of Nonpayment thereof, on Conviction of the Offenders respectively, be recovered by Distress and Sale of the Goods and Chattels of any such Offender, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place wherein the Offence shall be committed, or the Offender shall be or reside, and such Justice is hereby authorized and required to examine Witnesses on Oath, and hear and determine the same; and all such respective Fines and Forfeitures, the Application whereof is not herein-before particularly directed, shall be paid into the Hands of the Treasurer, or Clerk or Clerks to the said Company of Proprietors, and shall be applied and disposed of for the Use of the said Company, and the Overplus of the Money raised by such Distress and Sale, after deducting the Fine or Forfeiture, and the Expences thereof, shall be rendered to the Owner of the Goods and Chattels so distrained, and for Want of sufficient Distress, if the Fine or Forfeiture shall not be forthwith paid, it shall be lawful for any such Justice, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction of the County or Place where such Offender shall be committed, there to remain, without Bail or Mainprize, for any Time not exceeding

Three Calendar Months, unless such Fine or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

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

Persons aggrieved by Irregularity in Distress to recover only the special Damages.

XC. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace, before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form; (videlicet),

Form of Conviction.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the County of [*specifying the Offence, and the Time and Place when and where committed, as the Case may be*], contrary to an Act of Parliament passed in the Thirty-third Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of this Act*]. Given under my Hand and Seal, the Day and Year first above written.

XCI. 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 any Order, Judgement, or Determination of any Justice or Justices of the Peace, may, within Six Calendar Months next after such Order, Judgement, or Determination shall have been made, (first giving Ten Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made), complain to the Justices of the Peace, at the General Quarter Sessions to be held in and for the County

Persons aggrieved may appeal to the Quarter Sessions.

County in which the Cauſe of Appeal ſhall ariſe; which Juſtices ſhall, in a ſummary Way, either hear and determine the ſaid Complaint, at ſuch General Quarter Seſſions, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be held for ſuch County, and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye Law, Order, or Determination, and may alſo order ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable; but no Proceedings to be had and taken in purſuance of this Act, ſhall be quaſhed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at Weſtminſter, or elſewhere, any Law or Statute to the contrary notwithſtanding.

Proceedings not to be quaſhed for Want of Form.

Limitation of Actions.

XCII. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought or commenced within Six Calendar Months next after the Fact committed, or in caſe there ſhall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing ſuch Damage ſhall have ceaſed, and not afterwards, and ſhall be laid and brought in the County where the Matter in Diſpute or Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act: And if it ſhall appear to have been ſo done, or if any ſuch Action or Suit 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 every 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 or Suit, 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 hath for Coſts of Suit in other Caſes by Law.

General Iſſue.

Treble Coſts.

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

FINIS.