ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CXIX.

An Act to vary and extend the Line of the Canal authorized to be made by an Act passed in the Thirty-first Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Navigable Canal from the City of* Hereford *to the City of* Gloucester, *with a Collateral Cut from the same to the Town of* Newent *in the County of* Gloucester; and to amend the said Act. [11th *June* 1793.]

WHEREAS by an Act passed in the Thirty-first Year of the Reign of His present Majesty, intituled, An Act for making and maintaining a Navigable Canal from the City of *Hereford* to the City of *Gloucester*, with a Collateral Cut from the same to the Town of *Newent* in the County of *Gloucester*, the several Persons therein named, and their several and respective Successors, Executors, Administrators, and Assigns, Preamble. 31 *Geo.* III. Cap. 89, recited.

Assigns, together with such Person or Persons as they, or the major Part of them, at any General Meeting assembled, to be held as therein mentioned, should nominate and appoint, under their Hands and Seals, were united into a Company, for the making, completing, carrying on, and maintaining the said Canal and Collateral Cut, passable for Boats, Barges, and other Vessels, according to the Rules, Orders, and Directions in the same Act expressed, mentioned, and laid down, and for that Purpose were created a Body Politick and Corporate, by the Name of The Company of Proprietors of the Herefordshire and Gloucestershire Canal Navigation, in perpetual Succession with a Common Seal: And whereas the said Company of Proprietors have, in pursuance of the said recited Act, begun to make the said Canal, and are desirous to complete and finish the same; but upon Re-examination of the Country through which they are by the said recited Act empowered to make and complete the said Canal from or near a Place called Tilley's Green in the Parish of Dymock in the County of Gloucester, to or near to Barber's Bridge in the Parish of Rudford in the same County; and also upon Re-examination of the Country through which they are by the said recited Act empowered to make and complete the said Collateral Cut, and upon an Examination and Survey of the Country through which they are now desirous to make the said Canal from or near the said Place called Tilley's Green to or near to Barber's Bridge aforesaid, it appears that the varying and altering the Line of the said Canal, and carrying, making, and completing the same from or near the said Place called Tilley's Green to or near to Barber's Bridge aforesaid, in the Course and Direction in that Respect herein-after mentioned, will not only render any Collateral Cut unnecessary, but will be attended with great Benefit and Advantage to the City and County of Hereford, and also to the several Towns, Places, and Country through and near which the said Canal will pass, and will also be of publick Utility; and upon a Re-examination of the Land or Ground through and over which the said Company of Proprietors are by the said recited Act empowered to make and complete the said Canal from or near a Place called Shelwick's Lane, in the County of Hereford, to or near to a certain Common Field called Sutton's Lower Field in the same County; and upon Examination and Survey of the Land or Ground through and over which they are now desirous to make the said Canal from or near the said Place called Shelwick's Lane to or near to the said Field called Sutton's

Lower Field, it appears that the varying and altering the Line of the said Canal from or near the said Place called Shelwick's Lane, to or near to the said Field called Sutton's Lower Field, and carrying, making, and completing the same, in the Course and Direction herein-after in that Respect mentioned, will shorten the Line of the said Canal, and reduce the Expence of making and completing the same, and be of publick Utility; and it also appears, that the Extension of the said Canal at the City of Hereford as herein-after in that Respect mentioned, will be of great Benefit and Advantage to the said City of Hereford, and the Neighbourhood thereof, and will also be of publick Utility: And whereas it would tend to the better carrying the Purposes of the said recited Act into Execution, if some of the Powers and Provisions thereof were altered and amended: 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, from and immediately after the Day of passing this Act, the said Company of Proprietors, and their Successors, shall and may have Power and Authority, and they are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to vary and alter the Line of the said Canal, from or near the said Place called Tilley's Green in the Parish of Dymock in the County of Gloucester aforesaid, to or near to the said Bridge called Barber's Bridge in the Parish of Rudford in the said County of Gloucester, and to make the same in the Course or Direction following; (that is to say), through the said Parish of Dymock, and also through the several Parishes of Oxenhall, Pauntley, and Newent, the Hamlet of Highleadon, and the Parishes of Tibberton and Rudford, all in the said County of Gloucester; and also to vary and alter the Line of the said Canal from or near Shelwick's Lane aforesaid, to or near to the said Field called Sutton's Lower Field, and to make the same in the Course or Direction following; (that is to say), instead of crossing the said Lane called Shelwick's Lane, out of a Ground belonging to the Governors of Guy's Hospital, the said Canal shall be carried through the said Ground belonging to the Governors of Guy's Hospital, and from thence into a Common Meadow called Wergin's Meadow, then across the River Lugg into Lugg Meadow, and from thence across Sutton Common into an Inclosure belonging to Mrs. Elizabeth Philpott,

Company may vary the Canal from *Tilley's Green* to *Barber's Bridge*;

and from *Shelwick's Lane* to *Sutton's Lower Field*, &c.

Philpott, in her own Occupation, and then into another Inclosure belonging to Mr. Henry Pitt in his own Occupation; and from thence into Sutton's Lower Field; and also to extend the said Canal at the City of Hereford, from Widemarsh to a Piece of Ground near Byster's Gate, within the Liberties of the said City of Hereford, belonging to Lord Malden, in the Occupation of Thomas Taylor Butcher, as Undertenant to Mrs. Ann Terry.

Levels and Surveys have been taken, &c.

II. And whereas Levels and Surveys have been taken to ascertain the Practicability of making the said Variations or Alterations and Extension of the Line of the said Canal, and separate Maps or Plans, and Books of Reference thereto, have been made in consequence of such Levels and Surveys, through, across, under, or over the several Estates, Lands, or Grounds, now or late belonging, or reputed to belong to the several and respective Persons particularly mentioned in the said Books of Reference; be it therefore further enacted, That there shall be Three Parts made of each of the said Maps or Plans, and Books of Reference, and that the same shall be severally certified by the Right Honourable the Speaker of the House of Commons, and severally deposited with and kept by the respective Clerks of the Peace for the Counties of Hereford and Gloucester, and the Clerk of the said Company of Proprietors for the Time being, to which all Persons shall have Liberty to resort, and to make Extracts and Copies thereof as Occasion shall require: 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 Six Days Notice to him given for that Purpose, shall from Time to Time produce the several Maps or Plans and Books of Reference in his Custody, before the Commissioners appointed by the said recited Act, and their Successors, or any Jury or Juries to be impannelled as by the said recited Act directed, or in any Court of Law or Equity, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence.

Three Parts of the Maps and Books of Reference to be made, and authenticated by the Speaker of the House of Commons, &c.

and same, or Copies thereof, may be given in Evidence, &c.

Variations and Extension not to deviate more than 100 Yards from the Course in the Plans.

III. And be it further enacted, That the said Company of Proprietors, in making the said Variations or Alterations and Extension hereby authorized to be made, shall not deviate more than One Hundred Yards from the Course or Direction described in the said Maps or Plans herein-before mentioned and set forth in the said Books of Reference herein-before mentioned, nor cut, carry, and convey

convey the same into, through, across, under, or over any other Part or Parts of the several Estates, Lands, and Grounds now or late belonging, or reputed to belong to such Person or Persons respectively than are mentioned in the said Books of Reference (save in such Instances only as are herein-after provided for), without the Approbation and Consent in Writing, signed by the Person or Persons to whom such Estates, Lands, or Grounds, do or shall respectively belong, or without an Order of the Commissioners, or any Five or more of them, at a Meeting to be held for that Purpose, of which Fourteen Days Notice in Writing, signed by the Clerk for the Time being to the said Company of Proprietors, specifying the Deviation desired to be made, shall be given to the Owner or Owners, or to the Occupier or Occupiers of such Lands or Grounds; and if, at the Time mentioned in such Notice, the said Commissioners, or any Five or more of them, shall think it reasonable that such Deviation therein mentioned ought to be made, it shall be lawful for them to make such Order in the Premises as to them shall seem proper; and the said Company of Proprietors shall and may make such Deviation as mentioned in the said Order.

without the Consent in Writing of the Owner of the Land, &c.

IV. Provided always, and it is hereby further enacted, That the said Company of Proprietors shall and may make the said Variations or Alterations and Extension hereby authorized to be made, into, through, across, under, or over the Lands or Grounds of any Person or Persons whomsoever, into or through whose Estates, Lands, or Grounds such Deviations as aforesaid shall extend, (although their Name or Names are not mentioned in the said Books of Reference), or into or through the Estates, Lands, or Grounds of any Person or Persons whose Name or Names shall appear to the Satisfaction of the said Commissioners, or any Five or more of them, and be by them certified under their Hands, to be by Mistake omitted in the said Books 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, hath or have been inserted therein, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Land Owners omitted in the Books of Reference, not to obstruct the making the Variations and Extension.

V. And whereas it is in and by the said recited Act provided, that nothing therein contained shall extend or be construed to extend to prevent the said Company of Proprietors, their Successors, and Assigns from having and taking any Water whatsoever for the Use or Supply of

Clause in 31 *Geo.* III, Cap. 89, directing a Gauge to be laid through Side of Collateral Cut, repealed.

of the Collateral Cut thereby authorized to be made, but that a Gauge shall be placed at the Town of Newent to admit Water into the said Collateral Cut; and that another Gauge of the same Size shall be laid through the Bank of the said Collateral Cut at a proper Place below the Lock therein mentioned to be intended to be made on the said Collateral Cut, so that the Water to be thrown off or carried from the said Collateral Cut by such last mentioned Gauge shall run and flow into the Brook called Newent Brook, and from thence into the River Leadon: And whereas in consequence of the Variation of the Line of the said Canal herein-before authorized to be made from or near Tilley's Green aforesaid to or near to Barber's Bridge aforesaid, the said Collateral Cut will not be made; be it therefore enacted, That the said last recited Clause be, and the same is hereby repealed.

Company to have use of all Waters upon or below Level of Tunnel at *Dymock, &c.*

VI. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors to have and take at all Seasons of the Year, for the Supply of the said Canal upon and below the Level of the Tunnel intended to be made in and through the aforesaid Parishes of Dymock and Oxenhall, or One of them, and of the Reservoirs, Feeders, Aqueducts, Engines, Machines, and other Purposes of the said Navigation, upon and below the Level of the said Tunnel, any Water whatsoever which shall be found or can be had within the Distance of Three thousand Yards from the said Tunnel, or any other Part of the said Canal between the said Tunnel and the said Town of Newent, but that such Water shall be admitted into the said Canal by Gauges to be placed in the Side of the said Canal; and that the like Number of Gauges, and of the same Sizes as shall be placed in the Side of the said Canal to admit Water therein, shall by the said Company of Proprietors be laid through the Bank of the said Canal upon the Level of the Pound below the First Lock intended to be made on the said Canal between Newent and Gloucester, so that the Waste or spare Water may be thrown off or carried from the said Canal by such last mentioned Gauges into the Brook called Newent Brook, and from thence into the River Leadon.

A certain Clause in the recited Act repealed.

VII. And whereas it is in and by the said recited Act enacted, That the Tonnage to be collected, received, and taken by the said Company of Proprietors, their Successors, or Assigns, for Goods passing from Hereford to Ledbury, or from Ledbury to Hereford, and for the passing whereof a Tonnage shall be payable in Proportion to the Distance,

Distance, shall be for Half a Mile less than the actual Distance between Hereford and Ledbury: And whereas, by the Variations of the Line hereby authorized to be made, the Length of the said Canal will be considerably shortened; be it therefore enacted, That the said Clause shall be, and the same is hereby repealed.

Tonnage for Goods between *Hereford* and *Ledbury*.

VIII. And be it further enacted, That the Tonnage to be taken for Goods passing from Hereford to Ledbury, or from Ledbury to Hereford, and for the passing of which Goods a Tonnage shall be payable under and by virtue of the said recited Act in Proportion to the Distance, shall be as for the actual Distance between those Places.

Clause in Act of 31 *Geo.* III, for preserving Copyhold Rights, repealed.

IX. And whereas it is in and by the said recited Act enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges to be made in pursuance of the same Act, of any Lands, Grounds, or Premises of the Nature of Copyhold, shall be executed and completed by a Surrender thereof in the respective Courts of the Manors whereof such Lands, Grounds, or Premises are held, according to the Custom of the said Manors respectively, and shall remain and continue subject to such and the same Fines, Rents, and Services as would be due and payable or of Right accustomed in such and the same Manner as if the said Act had not been made: And whereas it appears that the said Canal will be made through, across, under, or over several Copyhold Lands, Grounds, and Premises within several Manors, and great Inconveniences would arise by conveying the Copyhold Lands, Grounds, or Premises taken or to be taken by the said Company of Proprietors for the Use of the said Navigation by Surrender thereof, and continuing the said Lands, Grounds, and Premises subject to such Fines, Rents, and Services as are within the said several Manors due and of Right accustomed in respect of Copyhold Lands, Grounds, and Premises held of the said Manors respectively in Manner by the said recited Act directed: Be it therefore enacted, That the said last recited Clause shall be, and the same is hereby repealed.

The Company may treat with Lords of Manors for Enfranchisement of Copyholds, &c.

X. And be it further enacted, That the said Company of Proprietors shall and may treat with the several Lords of the several Manors in which any Copyhold Lands, Tenements, or Hereditaments which the said Company of Proprietors shall have taken or shall have Occasion to take or purchase for the Use and Purpose of the said Navigation, or which they shall be required by the Owner or Owners of such Copyhold Lands, Tenements, or Hereditaments to take or purchase for the Price either in Gross or by Annual Rent, to be paid by the said Com-

pany of Proprietors to the said Lords of Manors for the Enfranchisement of such Copyhold Lands, Tenements, or Hereditaments; and also with all and every other Person and Persons who shall or may have or be entitled to any Estate or Interest in such Copyhold Lands, Tenements, or Hereditaments for the Price or Sum to be paid to him, her, or them respectively, either in Gross or by Annual Rent for the Purchase of such his, her, or their Estate and Interest therein respectively; and if the said Company of Proprietors cannot agree with such Lords of Manors or other Person or Persons entitled to any Estate or Interest in such Copyhold Lands, Tenements, or Hereditaments upon the Sum or Sums of Money to be paid in Gross or by Annual Rent as aforesaid by the said Company of Proprietors to the said Lords of Manors for such Enfranchisements, and to such other Person or Persons as aforesaid, for the Purchase of his, her, or their Estate and Interest of and in the said Copyhold Lands, Tenements, or Hereditaments, the same respectively shall be settled and determined by Commissioners or a Jury in such Manner as is by the said recited Act directed in respect of other Lands, Tenements, or Hereditaments to be taken by the said Company of Proprietors by virtue of the said recited Act; and thereupon the said Copyhold Lands, Tenements, and Hereditaments shall and may be conveyed by the said Lords of Manors, and all Parties having any Estate or Interest therein respectively to and for the said Company of Proprietors, in such and the same Manner as is in and by the said recited Act mentioned or directed in respect of other Lands, Tenements, and Hereditaments which are not of the Nature of Copyhold; and the said Copyhold Lands, Tenements, and Hereditaments so purchased by, and conveyed to the said Company of Proprietors, shall from thenceforth be absolutely vested in the said Company of Proprietors, and their Successors, in Fee Simple, discharged of and from the Tenure of the said Manors whereof the same were holden, and of and from all former Rents, and all Fines and Services due for or by reason of the said Tenure, or otherwise howsoever.

If Parties cannot agree, the same shall be settled by Commissioners or a Jury;

and thereupon such Copyhold Lands shall be conveyed to the Company,

and be vested in them in Fee Simple.

XI. Provided always, and be it enacted, That in case such Lords of Manors, or Copyholders, shall be Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other Partial Estate or Interest, Husbands, Guardians, Trustees, Feoffees in Trust for Charities or other Purposes, Committees, Executors, or Administrators, or other Trustees whatsoever, it shall be lawful for them

Lords of Manors and Copyholders, being Bodies Politick, &c. empowered to sell and convey.

them to contract for, sell, and convey such Copyhold Lands, Tenements, and Hereditaments to the said Company of Proprietors, in such Manner as Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other Partial Estate or Interest, Husbands, Guardians, Trustees, Feoffees in Trust for Charities or other Purposes, Committees, Executors or Administrators, or other Trustees whatsoever, are by the said recited Act impowered to contract for, sell, and convey other Lands, Tenements, and Hereditaments to the said Company of Proprietors; and that all Sums of Money which are to be paid to such Lords of Manors, or Copyholders, being Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other Partial Estate or Interest, Husbands, Guardians, Trustees, Feoffees in Trust for Charities or other Purposes, Committees, Executors or Administrators, or other Trustees whatsoever, for the Purchase of such Copyhold Lands, Tenements, and Hereditaments, shall, in case the same exceed the Sum of Twenty Pounds, be by the said Company of Proprietors, or under their Directions, laid out or invested in such Manner, and subject to such Rules, Regulations, and Directions, as are in and by the said recited Act contained and directed as to all Sums of Money exceeding Twenty Pounds, which are to be paid by the said Company of Proprietors, to Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or to any Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Cestuique Trusts, or to any Persons whose Lands are limited in strict Settlement, for the Purchase of any Lands, Tenements, or Hereditaments thereby authorized or directed to be purchased by the said Company of Proprietors.

Application of Money exceeding 20*l.* to be paid for the Purchase of Copyhold Lands belonging to Bodies Politick, &c.

XII. And whereas, in order to constitute a General or Special Meeting or Assembly of the said Company of Proprietors, to be held by virtue of the said recited Act, it is requisite that there should be present at such General or Special Meeting or Assembly Persons who have Four hundred Shares of and in the said Canal Navigation, either as Principals or Proxies: And whereas it is found inconvenient to require the Attendance of Persons holding so great a Number of Shares for the Purpose of constituting a General or Special Meeting or Assembly, and it will be a Convenience to the said Company of Proprietors, and for their Interest, that Persons having a less

300 Shares shall constitute a General or Special Assembly.

a less Number of Shares in the said Canal Navigation, and appearing either in Person or by their respective Proxies, shall constitute and make a General or Special Meeting or Assembly: Be it therefore hereby enacted, That the Appearance of Persons who hold Three hundred Shares of and in the said Canal Navigation, either in their proper Person or by their respective Proxies, shall be sufficient to constitute and make a General or Special Meeting or Assembly of the said Company of Proprietors; and such Proprietors and Proxies, who and whose Principals have Three hundred Shares therein, as shall be present at any General or Special Meeting or Assembly to be held under the Directions of the said recited Act, shall have full Power and Authority to do, perform, and execute all and every the several Matters and Things which a General or Special Meeting or Assembly, as the Case may be, consisting of Proprietors holding Four hundred Shares of and in the said Canal Navigation, are in and by the said recited Act authorized and enabled to do and execute, any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Proxy must be given to a Proprietor.

XIII. And whereas it is in and by the said recited Act enacted, That every Proprietor of One Share or more in the said Canal Navigation shall be deemed a Proprietor for every such Share, and shall have a Vote for every such Share in the General and Special Assemblies to be held as thereby appointed, such Vote to be given by him or her, or by his or her Proxy, to be constituted as therein mentioned; but it is not in and by the said recited Act directed, that the Person to be appointed Proxy shall be a Proprietor of and in the said Canal Navigation, in Consequence whereof it is apprehended, that any Person, though not a Proprietor of and in the said Canal Navigation, may be appointed Proxy; to prevent which; be it enacted, That no Person shall be appointed or be capable of acting as Proxy for any Proprietor of and in the said Canal Navigation, unless he or she be, at the Time of his or her Appointment, and also at the Time of acting as Proxy, a Proprietor of One or more Share or Shares of and in the said Canal Navigation.

Presence of Principals at General or Special Assemblies shall not be a Revocation of Proxy:

XIV. And whereas it may frequently happen, that after a Proprietor of and in the said Canal Navigation shall have constituted and appointed a Proxy to act for him or her in his or her Absence, such Proprietor may personally appear and act in the Affairs of the said Company of Proprietors at some future General or Special Assembly or Assemblies of the said Company of Proprietors,

to be held under the Directions of the said recited Act, whereby Doubts may arise whether the Proxy given by such Proprietor would be revoked, unless Provision were made to the contrary; for the Removal of all which Doubts, be it enacted, That the Presence of any Proprietor of and in the said Canal Navigation at any General or Special Assembly of the said Company of Proprietors, to be held as by the said recited Act is directed, shall not be a Revocation of the Proxy previously given by him or her, or a Determination of his or her Power of acting and voting as such at any other General or Special Assembly at which the Principal shall not be present, notwithstanding such Proprietor shall himself or herself vote, or otherwise act in the Affairs of the said Company at such General or Special Assembly or Assemblies at which he or she shall be present as aforesaid; nor shall such Proxy be deemed to be revoked, until the Proprietor, giving the same, shall give Notice in Writing under his or her Hand of his or her revoking his or her Proxy to the Clerk of the said Company of Proprietors.

Nor of Proxies already given.

XV. And be it further enacted by the Authority aforesaid, That no Appointment of any Proxy or Proxies already made shall be deemed to have been revoked by the Appearance of the Principal at any General or Special Assembly, or by his having acted or voted thereat, and that all Votes and Acts heretofore given or done, or hereafter to be given or done by any Person appointed Proxy for any of the said Proprietors in the Absence of the Principal, shall be valid and effectual to all Intents and Purposes whatsoever, notwithstanding the Principal had, after the making of such Appointment of a Proxy, personally appeared, voted, and acted, or shall hereafter appear, vote, and act at any other General or Special Assembly as aforesaid.

Committee to consist of Eighteen Proprietors, Five of whom may act.

XVI. And whereas in and by the said recited Act it is directed, that at the half-yearly General Meetings or Assemblies of the said Company of Proprietors thereby appointed to be held, the Proprietors assembled, together with such Proxies as shall be then present, shall choose Nine Persons who shall for the Time being be Proprietors of Three or more Shares in the said Navigation, of whom any Five or more shall be a Committee to manage the Affairs of the said Company in Manner as therein mentioned: And whereas it would be more convenient, and tend to the better Management of the Affairs of the said Company, if the Committee were to consist of a greater Number of Proprietors; be it therefore hereby

enacted, That at the half-yearly General Meetings or Assemblies of the said Company of Proprietors to be hereafter from Time to Time held as directed by the said recited Act, the Proprietors assembled, together with such Proxies as shall be then present, in case there shall be present Proprietors who have Three hundred Shares of and in the said Canal Navigation, either as Principals or Proxies, shall choose Eighteen Persons, who shall for the Time being be Proprietors of Three or more Shares in the said Canal Navigation, of whom Five or more, being the Whole or major Part of those present at any Meeting, shall be a Committee to manage the Affairs of the said Company in such Manner as is mentioned and directed in and by the said recited Act in respect of the Committee thereby directed to be elected and chosen.

A Chairman to be appointed at General and Special Assemblies, and at Meetings of Committees,

XVII. And whereas no Provision is made in and by the said recited Act as to the Determination of any Dispute, Question, Matter, or Thing which may be discussed or considered at any General or Special Assembly of the said Company of Proprietors, or at any Meeting of the Committee of the said Company of Proprietors, in case of an Equality of Votes; to prevent therefore any Dispute or Doubt which might otherwise arise, be it enacted, That at every General and Special Assembly of the said Company of Proprietors, and Meeting of the Committee respectively, One of the Proprietors present at such General or Special Assembly, or Meeting of the Committee, (as the Case may be), shall be appointed President or Chairman; and that every Question, Election of Committees and Officers, Matter and Thing whatsoever which shall be proposed, discussed, or considered in any General or Special Assembly of the said Company of Proprietors, or in any Committee of the said Company of Proprietors, shall, in case of an equal Division of Votes, be determined as the President or Chairman of the said General or Special Assembly or Meeting of the Committee respectively shall give or have given his Vote.

Who shall have a casting Vote.

Powers in Act of 32 Geo III, extended to this Act.

XVIII. And be it further enacted, That from and after the Day of passing this Act the said Company of Proprietors are hereby authorized and impowered to make, erect, build, execute, do, and perform all such Works, Matters, and Things as shall be requisite and convenient for making, completing, repairing, preserving, maintaining, and using the Variations and Extension hereby authorized to be made, and the Navigation thereof, and for making and setting up Bridges, Locks, Reservoirs, Feeders, Aqueducts, Wharfs, Quays, Landing Places, Weigh Beams, Cranes, Engines, Machines, and other Mat-

ters and Things requiſite or convenient for the ſaid Navigation and Works, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as the ſaid Company of Proprietors are authorized and impowered to do, execute, and perform under and by virtue of the ſaid recited Act, with reſpect to the Canal and Works thereby authorized to be made; and the ſaid Company of Proprietors, their Agents, Servants, Workmen, and Labourers, and all and every Perſon and Perſons, Bodies Politick, Corporate, and Collegiate, Corporations Aggregate and Sole, Tenants for Life or in Tail, or for any other partial Eſtate or Intereſt, Husbands ſeiſed or entitled in Right of their Wives, Guardians, Truſtees, Feoffees in Truſt for Charities and other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees whatſoever, ſhall have and be ſeiſed and poſſeſſed of, and is and are hereby inveſted with ſuch and the like Eſtates, Authorities, Powers, Abilities, Intereſts, Privileges, and Advantages, and ſhall be, and is, and are hereby made ſubject and liable to ſuch and the like Rules, Conditions, Directions, Regulations, Limitations, Reſtrictions, Controuls, Payments, Penalties, Forfeitures, Puniſhments, and Benefit of Appeal in relation to the making, executing, completing, uſing and governing the ſaid Variations, Extenſion, and Works by this Act authorized to be made, completed, maintained, and uſed as are mentioned, given, granted, preſcribed, eſtabliſhed, and inflicted in and by the ſaid recited Act to every Intent and Purpoſe whatſoever; and that the ſaid Act, and all the Clauſes, Proviſoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Reſtrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Puniſhments, Matters, and Things therein contained, (ſave and except ſuch as are hereby repealed, and alſo ſave and except ſuch as are hereby altered ſo far only as the ſame are hereby altered and no further), for making, completing, repairing, preſerving, maintaining, and uſing the Canal and other Works thereby authorized to be made, ſo far as the Nature and Circumſtances of the Caſe will admit, ſhall extend and are hereby extended to, and ſhall take Effect, operate, and be put in Execution, and ſhall be uſed and exerciſed by the ſaid Company of Proprietors, and ſhall be applied and enforced in, by, and for and in reſpect of making, completing, repairing, preſerving, maintaining, and uſing the ſaid Variations and Extenſion, and the ſeveral Works, Matters and Things by this Act authorized to be made, done, and performed, and for

ſupplying

supplying the same whilst making, and when made, with Water; and for the Punishment of Offences in relation thereto, and for the selling and conveying of Lands, Tenements, and Hereditaments, and ascertaining the Value thereof, and for the determining and assessing of Damages, and all other Matters and Things which relate to or happen or arise by or in consequence of the making, completing, repairing, preserving, maintaining, and using the said Variations and Extension and Works hereby authorized to be made, done, and executed, and shall also be used and exercised by the Owners, Proprietors, and Occupiers of Mines and Works lying near to the said Variations and Extension hereby authorized to be made with respect to such Cuts, Railways, Roads, and Bridges, as shall be necessary or expedient to be made for conveying their Coals, Minerals, Goods, Wares, and other Things to and from the same, and shall be observed and performed by such Owners and Proprietors of Mines with respect to the lifting the Water raised out of their Mines to such a Height as may be sufficient to convey such Water into the said Variations and Extension hereby authorized to be made; and that the Persons who are appointed Commissioners for putting the said recited Act in Execution shall be Commissioners for the Purposes of this Act, in the same Manner, and as fully and effectually, to all Intents and Purposes, as if the said Clauses, Provisoes, Powers, Authorities, Orders, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Matters, and Things contained in the said recited Act were herein repeated and re-enacted, (save and except as aforesaid), and as if the Variations and Extension and other Works by this Act authorized to be made, completed, maintained, and used, had been Part of the Canal and other Works by the said recited Act authorized to be made, completed, maintained, and used.

Of whom the Company shall consist.

XIX. And whereas the said Company of Proprietors of the said Canal Navigation, who are by Name incorporated by the said recited Act, as well as all and every such Person and Persons as have been since nominated and appointed Members of the said Corporation pursuant to the said Act, were severally, at the Times of their being respectively incorporated or appointed Members of the said Corporation, entitled to One or more Share or Shares of and in the said Canal Navigation, having among themselves subscribed the Sum of Seventy five thousand Pounds, in and by the said Act authorized to be raised for carrying the Purposes thereof

thereof into Execution; and it was the Intention of the said Act that the said Company thereby incorporated should consist of such Persons as were or should be so respectively entitled to One or more such Shares as aforesaid; be it therefore declared and enacted by the Authority aforesaid, That Richard Addis, John Allen, Levi Ames, Thomas Andrewes, John Havard Apperley junior, Miles Astman, Benjamin Aycrigg, Thomas Baker, Richard Barroll, William Bates, Thomas Baylis, Michael Hicks Beach, Thomas Beale Clerk, Dorothy Bethell, Mary Biddulph, William Bishop, Rawson Hart Boddam, Hubert Bower, John Bower, Edward Bower, Lowbridge Bright, Richard Bright, Henry Bright, Francis William Thomas Brydges, Henry Burgh, Thomas Caldecot, Francis Campbell, Samuel Carless, John Carless, Joseph Carcless, John Castleman, John Cave junior, John Chalie, Matthew Chalie, Christopher Chambers, Richard Chandler, Josiah Clowes, Charles Cole, John Coles, Messieurs John Coles and George Haynes, John Cooke, Richard Cooke, John Coren, Sir George Cornewall Baronet, Richard Cowcher, Robert Croome, William Croome, William Cross, John Curtis, Erasmus Darwin junior, Matthew Day, James De Visme, William Deykes, Peter Dickens, William Dowell, James Dowell, Samuel Draper, Daniel Draper, Henry Durbin, John Edmunds, Richard Edwards, Thomas Ellidge, Edward Elton, John Elton, William Elton, Henry Michael Evans, the Honourable Edward Foley, the Honourable Andrew Foley, John Foley Clerk, Frances Ford, William Fowler, Francis Freen, Samuel Gomond, George Dinely Goodyar, Thomas Tindall Gough, Aaron Graham, John Green, William Griffith, Thomas Griffith, John Griffith, Charles Handford, Thomas Hankins, the Right Honourable Thomas Harley, Robert Hathway, Francis Havard, William Havard, George Hayward, the Mayor, Aldermen, and Chief Citizens of the City of Hereford, James Hereford, Richard Hiatt, Richard Hill, Richard Cope Hopton, Michael Cope Hopton, Ralph Cope Hopton Clerk, Walter Jacks, Edward James, Elizabeth Jauncey, John Jefferis, Samuel Johnson, John Kedward, John Keyfall, Philip Lewis, John Lodge, Edward Loveden Loveden, George Lovibond, William Lygon, Thomas Maddy, Benjamin Maddy, Edmund Mason, John Matthews, William Miles, William Milton, William Money, John Nourse Morse, James Mounsher, Thomas Nash, John Nash, Sir Stephen Nash Knight, Thomas Nash Clerk, his Grace the Duke of Norfolk, Thomas Owens, Thomas Palin, John Palmer, Joseph Parry Clerk, William Pember, Robert Phillipps, John Pierce, William Pine, John

Pitt, Joſeph Pitt, James Poole, John Powell, Michael Powles, Meſſieurs John Powles, Thomas Coleman, James Kinnerſley, and Philip Davis, William Price Clerk, Philip Parry Price, William Price of Manſel Lacy, William Price of Glouceſter, Charles Pritchard junior, William Ravenhill, Robert Robinſon, Ann Roſton, Thomas Rothley, James Sadler, John Scudamore, Wallwyn Shepheard, William Smith, John Smith, Merrott Stephens, John Skinner Stock, Edmund Stock, William Symonds, Sir Henry Tempeſt Baronet, Francis Baladon Thomas, Herbert Thomas, William Thomas, Joſeph Thomas, William Thurſton, Charles Brandon Trye, Joſiah Tucker D. D. John Vaughan, James Wainwright, Robert Walker, Paul Walker, James Walwyn, Rice Waſbrough, Mary Waſbrough, Edward Watkins, James Weaver, John Webb, Samuel Whitcombe, Roger Williams, Henry Williams, Rowland Edward Williams, John Woodcock, William Wootton, Samuel Worrall, George Wright, Francis Wykes, Reginald Wynniatt Clerk, and John Yeates, being the Perſons who have ſubſcribed the ſaid Sum of Seventy-five thouſand Pounds, or ſuch of them as are now in eſſe, and have not parted with their reſpective Shares of and in the ſaid Canal Navigation, ſhall continue, and are hereby declared to be and continue reſpectively Members of the ſaid Corporation, ſo long as they ſhall reſpectively be Proprietors of One or more Share or Shares of and in the ſaid Canal Navigation; and that the Company of Proprietors, by the ſaid former and this preſent Act incorporated, ſhall at all Times for ever hereafter conſiſt of ſuch Perſon and Perſons as for the Time being ſhall be entitled to One or more ſuch Share or Shares of and in the ſaid Canal Navigation as aforeſaid; and where the ſame Share or Shares ſhall happen to belong to ſeveral Perſons jointly or in common, then all or the Majority of them, or a Proxy appointed by them or by the Majority of them, ſhall have the ſame Powers and Authorities to act and vote for and in Right of ſuch Share or Shares, and to execute, or join in executing, all and every Powers and Authorities whatſoever, as any Perſon ſolely entitled to a like Number of Shares have or ought to have, either by virtue of this preſent Act or of the ſaid recited Act, or otherwiſe howſoever, and to all Intents and Purpoſes whatſoever.

In caſe Shares ſhall belong to ſeveral Perſons jointly or in common, all or a Majority, or a Proxy appointed by all or a Majority, ſhall act and vote.

XX. And be it further enacted, That the Coſts and Charges of obtaining and paſſing this Act, and of making the Surveys, Plans, and Eſtimates incident thereto, and all other Coſts, Charges, and Expences concerning the ſame, ſhall be borne, paid, and defrayed by the ſaid

Expences of obtaining this Act, how to be paid.

Company of Proprietors by and out of the First Money that shall come to their Hands after the Day of passing this Act, by virtue of the said recited Act.

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

FINIS.