ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. CXXI.

An Act for making and maintaining a Navigable Canal from the *Dudley* Canal, in the County of *Worceſter*, to the *Worceſter* and *Birmingham* Canal now making at or near *Selly Oak*, in the ſaid County; and alſo certain Collateral Cuts to communicate therewith.

[17th *June* 1793.]

Preamble recites Acts of 16, 25. & 30 *Geo.* III.

WHEREAS, by certain Acts of Parliament, made in the Sixteenth, Twenty-fifth, and Thirtieth Years of the Reign of His preſent Majeſty, divers Powers and Authorities were given and granted for making and maintaining a Navigable Canal within and from certain Lands belonging to Thomas Talbot Foley Eſquire, in the Pariſh of Dudley in the County of Worceſter, to join and communicate with the Stourbridge Navigation, at a Place called Black Delph, upon Penſnet Chaſe, in the Pariſh of Kingſwinford, in the County of Stafford, and for making

an Extension of the said Canal into a Cut or Canal made by the Right Honourable John Lord Viscount Dudley and Ward, deceased, to join and communicate with the Birmingham, and Birmingham and Fazeley Canal Navigation, at or near Tipton Green, in the County of Stafford; and several Persons were, for carrying the Purposes of the said Acts into Execution, united and made One Body Politick and Corporate, by the Name of The Company of Proprietors of the Dudley Canal Navigation: And whereas the said Company of Proprietors have, in pursuance of the said several Acts, made and compleated the said Canal, and the Extension thereof: And whereas the making and maintaining of a Navigable Canal from the said Dudley Canal, at Netherton, in the Parish of Dudley, in the County of Worcester, to join the Worcester and Birmingham Canal now making in the Parish of Northfield, in the County of Worcester, and also certain Collateral Cuts herein-after described to communicate with the said intended Canal, will be of great publick Utility, by opening a Communication with very extensive and valuable Mines of Coal and Iron Stone, which lie upon or near to the Line of such intended Canal and Collateral Cuts, and by the Conveyance of Coal, Lime, Lime Stone, and Merchandize thereon, and by furnishing the City of Worcester, the Town of Birmingham, and several other Towns and Places, as well as the Counties of Worcester and Warwick, with an additional Supply of Coals: But the same cannot be effected without the 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 the several Persons herein-after named; (that is to say),

New Subscribers added to the Company.

Joseph Atkinson, Joseph Amphlett, James Attwood, Matthias Attwood, Aaron Attwood, Charles Adams, Alexander Earl of Balcarres, Joseph Brettell, Charles Bartrum junior, Dudley Bagley, Joseph Brecknell, Matthew Boulton, John Beet, George Bowen, Robert Bayley, Thomas Bissell, Daniel Bridgewater, Charles Bridgewater, Isaac Bridgewater, Thomas Carden, William Ridding Croshaw, Mary Carpenter, Benjamin Cooke, Thomas Carles junior, Sir Henry Gough Calthorpe Baronet, the Reverend Charles Curtis, George Daubeny, Thomas Danks, John Dowding, William Dickenson, Robert Dalrymple, John Fallows, John Freer junior, Thomas Freer, George Freer, William

William Leacroft Freer, Richard Morgan Graves D. D. Tycho Gaunt, Richard Geaſt, Joſeph Green, Thomas Green, Henry Geaſt junior, Harry Green, Joſiah Gaunt, Elizabeth Gough, John Calthorpe Gough, William Gwinell, Francis Edward Gwyn, the Right Honourable Philip Earl of Hardwick, John Higgs, Peter Hinckes, Francis Homfray, Thomas Hellicar, John Haden, John Delap Halliday, Joſeph Hadley, William Hicks, Joſeph Hill, Samuel Hunt junior, Philip Hammerſley, the Reverend Noah Hill, Charles Horneck, David Howell, John Hurd, Thomas Hooper D. D. Charles Henry Hunt, Claud Johnſon, William James, Jervoiſe Clarke Jervoiſe, Richard Jeſſon, Thomas Jervis, the Reverend Andrew Lawrence, William Lygon, James Male, Jane Male, William Marſhall, William Wallis Maſon, the Right Honourable Other Earl of Plymouth, the Reverend William Perry, Thomas Philpott Clerk, Sir John Peſhall Baronet, Benjamin Parker, Samuel Proud, Michael Perry, John Parkes, William Parkes, Iſaac Pratt, William Powell, George Ramſden, Wilſon Ayleſbury Roberts, James Rann, John Ruſton, Edward Robinſon, Edward Round, Joſeph Scott, Mary Savage, Iſaac Spooner, Elizabeth Spooner Spinſter, Mary Spooner Spinſter, James Stanley, John Tilbury, Humphrey Vaughton, James Villers, the Right Honourable William Henry Lord Weſtcote in the Kingdom of Ireland, John Wall, Anthony Willets, and Thomas Williams; and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, ſhall be and are hereby united and incorporated with and made Part of the Company of Proprietors of the ſaid Dudley Canal Navigation, and ſhall have the ſame Power of voting by themſelves or their Proxies, and alſo the ſame Benefits, Profits, Privileges, and Advantages, in all Reſpects whatſoever, and ſhall be liable to the ſame Coſts, Charges, and Expences hereafter to be incurred, as if they had been named and appointed Part of the Company of Proprietors of the Dudley Canal Navigation in and by the ſaid recited Acts, or any of them, but nevertheleſs under and ſubject to ſuch Regulations as are herein-after expreſſed and contained of and concerning the ſame.

Power to make the Canal and Cuts.

II. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and impowered to make, complete, and maintain a Canal navigable and paſſable for Boats, Barges, and other Veſſels from the ſaid Dudley Canal, in the Lands late of Thomas Talbot Foley Eſquire, but now of Francis Plowden Eſquire, William Perry Clerk, and

William Lord Viscount Dudley and Ward, or either of them, situate at Netherton aforesaid, in, through, and over certain Lands of the said William Lord Viscount Dudley and Ward, called The Lodge Farm, in the Parish of Dudley aforesaid, by or near a Place called Windmill End, in the Parish of Rowley Regis, in the County of Stafford, and by or near a Place called The Coombes, in the Parish of Halesowen, in the County of Salop, and by or near a Place called Lapal, in the said Parish of Halesowen, and by or near a Place called Weoley Castle, in the Parish of Northfield, in the County of Worcester, to join and communicate with the Worcester and Birmingham Canal now making at or near Selly Oak, in the said Parish of Northfield; and also to make and maintain Two Collateral Cuts navigable and passable for Boats, Barges, and other Vessels to communicate with the said intended Canal, the One from the said intended Canal at or near Windmill End aforesaid, in, through, and over the Lands of Edward Robinson, the Devisees of the said John Lord Viscount Dudley and Ward deceased, the Heirs or Devisees of John Parkes deceased, across a Lane leading from Netherton to Dixon's Green, into certain Lands of the Reverend William Perry, and for the Space of Thirty-five Yards, in a Close of Land belonging to the said William Perry, called Brook Field, at or near Baptist End, in the Parish of Dudley aforesaid; and the other of the said Collateral Cuts from or near a Place called Cabbage Hall, in the Parish of Dudley aforesaid, in, through, and over the Lands of John Fallows, Thomas Hawkes, and John Badley, Peter Hinckes Gentleman, the Heirs or Devisees of the said John Parkes, and others, to or near a Lane called Spout Lane, in the said Parish of Rowley Regis, so as to join and communicate with the said first mentioned Cut at or near Baptist End aforesaid; and the said Company of Proprietors are hereby also authorized and impowered to make, erect, execute, do, and perform all such Works, Matters, and Things as shall be requisite and convenient for making, completing, and maintaining the said Canal and Collateral Cuts, and the Navigation thereof, and for supplying the same with Water, 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 Acts, with respect to the said Dudley Canal, and the Extension thereof; and the several Powers, Authorities, Limitations, Exemptions, Privileges, Penalties, Forfeitures, Punishments, Matters,

Powers of former Acts extended to this Act.

ters, and Things in the said Acts, or any of them, contained, for making, completing, preserving, and maintaining the Canal and other Works thereby authorized to be done, and for supplying the same with Water, so far as the Nature and Circumstances of the Case will admit, shall be used and exercised by the said Company of Proprietors, and shall be applied and enforced for making, completing, preserving, and maintaining the said Canal and Collateral Cuts hereby authorized to be made, and supplying the same with Water; and also for making, erecting, executing, doing, and performing all such other Works, Matters, and Things as the said Company of Proprietors shall think necessary or expedient for the Benefit of the said Undertaking, and shall also be used and exercised by the Owners and Proprietors of Mines lying upon or near to the said intended Canal and Collateral Cuts, with respect to such Cuts and Railways as shall be necessary or expedient to be made for conveying their Coals, Iron Stone, Lime Stone, and other Minerals, to and from the same; and that the same Persons who are appointed Commissioners for putting the said recited Acts of the Sixteenth and Twenty-fifth Years of the Reign of His present Majesty in Execution, shall be Commissioners for the Purposes of this Act, in like Manner, and as fully and effectually, to all Intents and Purposes, as if the several Powers, Authorities, Limitations, Exemptions, Privileges, Penalties, Forfeitures, Punishments, Appointment of Commissioners, Matters, and Things contained in the said recited Acts, and which are now in Force, were repeated and re-enacted in the Body of this present Act, and as if the Canal, Collateral Cuts, and other Works by this Act intended to be made, completed, and maintained, had been Part of the Canal and other Works by the said recited Acts intended to be made, completed, and maintained; and the like Exemptions shall be allowed from the Payment of the Rates by this Act granted, for or in respect of any Articles which shall be navigated, carried, or conveyed upon the said intended Canal and Collateral Cuts, as are by the said recited Acts, or any of them, allowed for or in respect of the like Kind of Articles passing upon the Canal thereby authorized to be made.

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

III. And whereas a Map or Plan, describing the Line of the said intended Canal and Collateral Cuts, and the Lands through which the same are intended to be carried, together with a Book of Reference containing a List of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office

Office of the Clerk of the Peace for each of the Counties of Worcester, Stafford, and Salop; be it therefore further enacted, That the said Map or Plan, and Book of Reference, shall remain in the Custody of the Clerk of the Peace for every such County, and all Persons shall at any seasonable Times have Liberty to inspect and peruse the same, and to make Copies thereof, or Extracts therefrom, at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every Two hundred Words of such Copies or Extracts of the said Book of Reference; and that the said Company of Proprietors, in making the said intended Canal and Collateral Cuts, shall not deviate more than One hundred Yards from the Line or Course thereof described in the said Map or Plan, nor shall any such Deviation be made into or carried through the Lands of any Person or Persons not named in the said Book of Reference, without the Consent in Writing of the Person or Persons through, or into, whose Lands such Deviation shall be made or carried: Provided always, that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said intended Canal and Collateral Cuts, on Account of any Error or Omission in the said Book of Reference, in case it shall appear to any Five or more of the said Commissioners, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Not to deviate more than 100 Yards from the Line described in the Plan.

IV. And be it further enacted, That it shall be lawful for the said Company of Proprietors to make any Cut or Cuts, of such Dimensions as they shall think proper, for the Passage of Boats, Barges, and other Vessels, and also any Rail Ways or Roads, from any Part or Parts of the said intended Canal or Collateral Cuts, for any Distance not exceeding Two thousand Yards, for the more convenient Carriage or Conveyance of Coals, Iron Stone, and other Minerals and Merchandize, to and from the said Canal and Collateral Cuts, provided the Owners and Occupiers of the Lands through which such Cut or Cuts, Rail Ways, or Roads, shall be made, shall by Writing under their Hands and Seals consent thereto, but not otherwise, and every such Cut, Rail Way, and Road, shall be deemed Part of the Works to be executed under the Powers of this Act.

Power to make Communications with Coal and other Mines near the Canal.

V. And be it further enacted, That it shall and may be lawful to and for the Owners or Proprietors of any Lands, to make any Navigable Cut or Sluice through their

Owners of Lands may make Side Cuts through their own Lands.

their own Lands, to communicate with the Canal or Collateral Cuts hereby authorized to be made, or with the Canal already made under the Powers of the said recited Acts of the Sixteenth and Twenty-fifth Years of His present Majesty, in such Manner as they shall think proper, so as no Impediment, Injury, Loss of Water, or Damage be occasioned thereby to the said Navigation; and so as the Person or Persons making such Cut or Sluice shall, if thereunto required by the said Company of Proprietors, make, erect, and maintain One or more Stop Gate or Stop Gates in every such Cut or Sluice, in order to prevent any Waste or Loss of Water from the said Canal or Collateral Cuts, by means of such Cut or Sluice communicating therewith as aforesaid.

Water not to be taken from the River *Rea*, &c.

VI. Provided always, and be it enacted, That nothing in this Act contained shall extend to authorize or impower the said Company of Proprietors, or any Person acting under their Authority, to take or use, for supplying the said Canal, any Water from or out of the River Rea, which runs to Harborne Mill and Bourn Brook, or from or out of any Rivulet, Brook, Stream, or Watercourse, which runs to Harborne Mill and Bourn Brook aforesaid, or from or by means of which the said Harborne Mill Rivers or Brooks, called Bourn Brook and River Rea, any or either of them, are or is supplied with Water, or upon any Account or Pretence whatsoever, to divert, alter, or change the Course of any such Rivulet, Brook, Stream, or Watercourse; but that in all Cases where the intended Canal shall be carried across any such Rivulet, Brook, Stream, or Watercourse, the said Company of Proprietors shall, at their own Expence, make and lay proper Tunnels, Pipes, or Trunks, with the Bore or Cavity thereof of sufficient Dimensions to carry and convey all the Water of such Rivulet, Brook, Stream, or Watercourse, under or over the said Canal, so that the same may run and flow in its usual and common Course, as well when swelled by Rains as at all other Times.

Water not to be taken from the River *Stour*, &c.

VII. Provided also, and be it further enacted, That it shall not be lawful for the said Company of Proprietors, their Successors or Assigns, or their Agents, Servants, or Workmen, or any of them, or any other Person or Persons whomsoever, who shall at any Time hereafter make any Cut, Sluice, or Communication whatsoever, with the said intended Canal or Collateral Cuts, by virtue of the Powers contained in this Act, on any Account or Pretence whatsoever, to divert or take, for the Use or Supply of the said Canal or Collateral Cuts, or

for any other Purpose whatsoever, any Water from or out of any Part of the Rivers Stour or Smestow, or from or out of a certain Brook or Rivulet called Knowle Brook, running by a Place called Withymoor Mill, into the New Pool, or a certain other Brook or Rivulet, running into the said New Pool by a Place called Saltwater Spring, or a certain other Brook or Rivulet running into the said New Pool by the Level Coal Works on Pensnet Chace, or out of a certain ancient Sough or Level in the Lands of the late Thomas Talbot Foley Esquire, but now belonging to Francis Plowden Esquire, near Pear Tree Lane, or a certain other Brook or Rivulet, called Holbeche Brook, running into the said River Smestow, or from a certain Spring or Rivulet called The Coombes Spring, arising in the Coombes Wood, or any other Springs or Rivulets arising in or running through the Coombes Wood, or any other of the Lands of William Henry Lord Westcote, Sir John Pershall Baronet, John Delap Halliday Esquire, the Heirs or Devisees of John Scott Hylton Esquire deceased, and the Reverend Joseph Cartwright Clerk, respectively, or from or out of a certain Brook called Illey Brook, or from or out of any Spring, Stream, or Watercourse, arising between Gorsty Hill and Waseley Hill, or from or out of any other Rivulet, Brook, Stream, Watercourse, or Spring whatsoever, running into or communicating with the said Rivers Stour and Smestow, or either of them: Provided nevertheless, that nothing herein contained shall hinder or prevent the said Company of Proprietors from having and taking for the Use and Supply of the said Navigation, any Springs which may happen to arise in the Bed of the said Canal and Collateral Cuts, and which will be necessarily and unavoidably intercepted in the making of the said Canal and Collateral Cuts (except such Springs, Streams, or Rivulets as are now visible, and run upon the Surface of the Ground), nor from having or taking, for the Use or Supply of the said Navigation, such Rain Water as shall fall on the Surface of the said Canal and Collateral Cuts, nor from making such Reservoirs, Feeders, and Aqueducts, for supplying the said Canal and Collateral Cuts with Water, as the said Company of Proprietors are authorized and impowered to make and execute under the Powers of the said recited Acts or any of them; but that nothing herein, or in the said recited Acts contained, shall authorize or impower the said Company of Proprietors to take into the said intended Canal any Water to be raised by any artificial Means, between Gorsty Hill and Waseley Hill, or to

make any Reſervoir, Feeder, or Aqueduct for the Supply of the ſaid Canal, between Gorſty Hill and Waſeley Hill aforeſaid, on the contrary they are hereby expreſsly prohibited from ſo doing.

Flood Weirs to be erected in certain Situations.

VIII. Provided alſo, and be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, at their own Expence, to conſtruct and make, and at all Times for ever thereafter maintain, certain Weirs in the Situations and of the Dimenſions herein-after mentioned, for conveying all the Flood or Waſte Water from and out of the ſaid Canal for the Uſe and Supply of the River Stour, or the Brooks or Streams communicating therewith; (that is to ſay), One Weir, of the Length of Fifty Feet, at ſome convenient Place between Lapal and Haleſowen Rod Mill Pool, ſo as to turn the ſaid Water to the ſaid Mill; One other like Weir, of the Length of Fifty Feet, at ſome convenient Place between Haywood and the Coombes Wood, ſo as to convey ſuch Water to certain Corn Mills belonging to Sir John Peſhall Baronet, and Ann Perry Spinſter, reſpectively, and a certain other Weir, of the like Length of Fifty Feet, at ſome convenient Place between Old Hill and Windmill End, ſo as to convey the ſaid Water into Cradley New Pool; and that all ſuch Weirs as aforeſaid, as well as any other Flood Weir to be made upon the ſaid intended Canal and Collateral Cuts, ſhall be placed, kept, and maintained of the ſame Height or Level, from the Surface of the Water in the ſaid Canal and Collateral Cuts; and that in all Caſes where it ſhall be found neceſſary or expedient to convey any of the Flood or Waſte Water under the ſaid Canal or Collateral Cuts, that the ſaid Company ſhall and will, at their own Expence, make and maintain proper Culverts and Aqueducts in ſuch Situations and Directions ſo as to convey ſuch Water into the different Brooks or Streams where the ſame would have run or flowed in caſe the ſaid Canal or Collateral Cuts had not been made.

Canal to be made on a Level.

IX. Provided alſo, and be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required to make and conſtruct the ſaid intended Canal, ſo as to communicate with the Worceſter and Birmingham Canal and the preſent Dudley Canal, on a dead Level, and without any Lockage from the ſaid intended Canal into or out of the ſaid Worceſter and Birmingham Canal, or the preſent Dudley Canal.

Proprietors reſtrained from making uſe of any

X. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Company of Proprietors, their

Water belonging to *Birmingham* Canal Company.

their Succeſſors or Aſſigns, or their Agents, Servants, or Workmen, or any of them, or any other Perſon or Perſons whomſoever, who ſhall hereafter make any Cut, Sluice, or Communication whatſoever with the ſaid intended Canal, by virtue of the Powers contained in this Act, to take any Water from the Birmingham and Birmingham and Fazeley Canal Navigations, or the Collateral Cuts or Branches to the ſame Canal belonging, or any Water from any Engines, Pits, Brooks, Springs, Streams, or Watercourſes, which the Company of Proprietors of the ſaid laſt-mentioned Navigations have a Right or Power to take for the Supply of the ſaid Birmingham and Birmingham and Fazeley Canal, or any of the Collateral Cuts or Branches thereof, or any Reſervoir or Feeder made or to be made for the Accommodation of the ſame, by virtue of the Powers granted by the ſeveral Acts of Parliament made and paſſed with reſpect to ſuch Birmingham and Birmingham and Fazeley Canal Navigations, or any other Act or Acts of Parliament, or to divert or otherwiſe intermeddle with any ſuch Waters, Engines, Pits, Brooks, Springs, Streams, or Watercourſes.

On which Side of the Canal Towing Path to be made.

XI. Provided always, and be it enacted, That the Towing Path ſhall be made on the North Side of the ſaid Canal, through the Pariſh of Northfield, and on the South Side thereof, through certain Lands in the Pariſh of Dudley, in the Occupation of John Brooks, called Primroſe Farm, unleſs the Owners and Proprietors of the Lands through which the ſame paſſes ſhall conſent to the ſame being varied, by Writing under his or their Hand or Hands, firſt had and obtained.

Power to take Water out of Canal for working Fire Engines.

XII. And whereas it is proper that the Owners and Proprietors of Fire Engines, erected or to be erected upon or near to the Line of the ſaid intended Canal and Collateral Cuts, or the preſent Dudley Canal, ſhould be permitted to take and uſe Water out of the ſaid Navigation for condenſing the Steam of ſuch Fire Engines, ſuch Proprietors reſpectively returning an equal Quantity of Water into the ſaid Canal or Collateral Cuts, except what ſhall be loſt in Evaporation; be it therefore enacted, That it ſhall and may be lawful to and for the Owners or Proprietors of any Fire Engine or Fire Engines, erected or to be erected on the Line of the ſaid intended Canal and Collateral Cuts, or of the preſent Dudley Canal, or of any Cut or Sluice to be made by any Owners or Proprietors of Lands or Mines to communicate with the ſaid Canals and Collateral Cuts reſpectively, or within the Diſtance of One hundred Yards of the ſame reſpectively,

to

to make a Communication between the said Canals or Collateral Cuts, or such Cut or Sluice, respectively, and such Fire Engine or Fire Engines, by Means of One or more Metal Pipes of sufficient Strength or Thickness, and so constructed in every Respect as to prevent any Leakage or Waste of Water, and to draw from the said Canals or Collateral Cuts, or such Cut or Sluice as aforesaid, respectively, such Quantities of Water as shall be sufficient for the Use of such Engines: Provided always, that every Proprietor of such Engine so to be erected as aforesaid, shall return to the said Canals or Collateral Cuts respectively, in each and every Day, a Quantity of Water equal to what shall be drawn from the same as aforesaid, so that no Obstruction or Loss of Water shall arise therefrom to the Navigation of the said Canals or Collateral Cuts respectively, unless what shall necessarily be lost by Evaporation, in working the said Fire Engines: Provided also, that the said Water so taken shall only be applied to the working of the said Engine or Engines, and to no other Use or Purpose whatsoever; and that every Person laying Pipes into the said Canals, Collateral Cuts, or Sluices, for the Purposes aforesaid, shall be and is hereby required and obliged to make good the Banks of the said Canals and Collateral Cuts, and to repair all such other Damages as may arise from the laying in of the said Pipes, at his or their own proper Cost and Charge, and that they shall do the same in such Manner, and at such Times, as shall cause no Lett, Hindrance, or Molestation to the Navigation of the said Canals and Collateral Cuts: Provided also, that no Person whatsoever shall, in consequence of this Act, take any Water from the said Canals and Collateral Cuts and Sluices respectively, for the Purposes aforesaid, without giving Twenty Days previous Notice of such their Intention to the Committee of the Proprietors of the said Navigation, by Writing to be delivered to their Clerk or Treasurer, in order that the said Committee may appoint a Person to inspect into the Premises, and see that the Pipes are laid into the Banks in a proper Manner, according to the true Intent and Meaning of this Act.

Bridges to be erected to communicate with present *Dudley* Canal.

XIII. And be it further enacted, That the said Company of Proprietors shall and will, in all Cases where the said intended Canal shall pass through any Lands which lie contiguous to the present Dudley Canal, and under which there are any Mines of Coal or Iron Stone, and, by means of making the said intended Canal, the Communication with the present Dudley Canal shall be intercepted or cut off, that then, and in any such Case,

the said Company of Proprietors shall, when thereunto required by the Owners or Proprietors of any such Mines, make, erect, and maintain such and so many sufficient Swivel or Draw Bridges, over and across the said intended Canal, as shall be necessary and proper, for conveying their Coals and other Minerals, by means of Railways or otherwise, over the said intended Canal, in such Directions as the Owners and Proprietors of such Mines shall think proper.

Rates of Tonnage on the new Canal and Cuts.

XIV. And be it further enacted, That in Consideration of the great Charge and Expence the said Company of Proprietors will be at in making and maintaining the said intended Canal and Collateral Cuts, and the Works hereby authorized to be made and erected, it shall be lawful for the said Company of Proprietors, from Time to Time, and at all Times hereafter, to ask, demand, take, recover, and receive, to and for their own proper Use and Benefit, such Rates as they shall think proper, not exceeding the respective Sums herein-after mentioned, for the Tonnage and Wharfage of all Coal, Coak, Lime, Lime Stone, Iron Stone, Goods, Wares, Merchandize, and Things whatsoever, which shall be carried or conveyed upon the said intended Canal and Collateral Cuts, or any of them; (that is to say):

For all Coal and Coak which shall be navigated upon the said intended Canal, and shall pass into or through the Tunnel to be made in the said intended Canal in the Parishes of Halesowen and Northfield aforesaid, or One of them, to or towards the said Worcester and Birmingham Canal, and which shall not pass along the said Worcester and Birmingham Canal, to or towards the Town of Birmingham, nor have paid any of the Rates or Dues payable to the said Company of Proprietors, under the said Act of the Twenty-fifth Year of the Reign of His present Majesty, the Sum of Two Shillings a Ton, and so in Proportion for any greater or less Quantity than a Ton:

For all Coal and Coak which shall be navigated upon the said intended Canal, and shall pass into or through such Tunnel to be made as aforesaid, to or towards the said Worcester and Birmingham Canal, and which shall not pass along the said last-mentioned Canal, to or towards the Town of Birmingham, and which shall have paid any of the Rates or Dues under the said Act of the Twenty-fifth Year of His said Majesty, the Sum of One Shilling and Nine-pence a Ton, and so in Proportion for any greater or less Quantity than a Ton:

For all Coal and Coak which shall be navigated upon the said intended Canal, into or through such Tunnel to be made as aforesaid, and along the said Worcester and Birmingham Canal, to or towards the Town of Birmingham, and which shall not pass along any other Part of the said Worcester and Birmingham Canal, nor have paid any of the Rates or Dues to the said Company of Proprietors, under the said Act of the Twenty-fifth Year of the Reign of His said Majesty, the Sum of Two Shillings a Ton, and so in Proportion for any greater or less Quantity than a Ton:

For all Coal and Coak which shall be navigated upon the said intended Canal, into or through such Tunnel to be made as aforesaid, and along the said Worcester and Birmingham Canal, to or towards the Town of Birmingham, and not pass along any other Part of the said last-mentioned Canal, and which shall have paid any of the Rates or Dues under the said Act of the Twenty-fifth Year of His said Majesty, the Sum of One Shilling and Nine-pence a Ton, and so in Proportion for any greater or less Quantity than a Ton:

For all Coal, Coak, and Iron Stone, which shall be navigated upon any Part of the said intended Canal or Collateral Cuts, between the present Dudley Canal and the aforesaid Tunnel, to be made in the Parishes of Halesowen and Northfield, or One of them, and which shall not pass into or through such Tunnel or into the present Dudley Canal, the Sum of Two-pence a Ton per Mile, and so in Proportion for any Quantity greater or less than a Ton, and for any Distance greater or less than a Mile:

For all Coal, Coak, and Iron Stone, which shall be navigated upon the said intended Canal or Collateral Cuts, between the said Tunnel so to be made as aforesaid in the Parishes of Halesowen and Northfield, or One of them, and which shall pass out of the said Canal or Collateral Cuts into the present Dudley Canal, without having passed into or out of such Tunnel as aforesaid, the Sum of Sixpence a Ton, and so in Proportion for any greater or less Quantity than a Ton:

For all Goods, Wares, and Merchandize (except Coal, Coak, Lime, and Lime Stone) which shall be navigated upon the said intended Canal, and shall pass into or through the Tunnel to be made in the Parishes of Halesowen and Northfield aforesaid, or One of them, and which shall not have paid, or be liable to pay, any of the Rates or Dues payable to the said Company of Proprietors under the said Act of the Twenty-fifth Year of the

the Reign of his present Majesty, the Sum of Two Shillings a Ton, and so in Proportion for any greater or less Quantity than a Ton:

For all Goods, Wares, and Merchandizes (except Coal, Coak, Lime, and Lime Stone) which shall be navigated upon the said intended Canal, and shall pass into or through such Tunnel to be made as aforesaid, and which shall have paid, or be liable to pay, any of the Rates or Dues under the said Act of the Twenty-fifth Year of his said Majesty, the Sum of One Shilling and Sixpence a Ton, and so in Proportion for any greater or less Quantity than a Ton:

For all Goods, Wares, Merchandize, and Commodities whatsoever (except Coal, Coak, Iron Stone, Lime, and Lime Stone) which shall be navigated upon any Part of the said intended Canal or Collateral Cuts, between the present Dudley Canal and the aforesaid Tunnel to be made in the Parishes of Halesowen and Northfield, or One of them, without passing into or through such Tunnel, the Sum of Two-pence a Ton per Mile, and so in Proportion for any Quantity greater or less than a Ton, and for any Distance greater or less than a Mile:

For all Goods, Wares, Merchandize, Lime, Lime Stone, and Commodities whatsoever, which shall be navigated upon any Part of the said intended Canal, between the Worcester and Birmingham Canal, and the East End of the said intended Tunnel in the Parishes of Halesowen and Northfield, or One of them, and which shall not pass into or out of such Tunnel, the Sum of Three-pence a Ton, and so in Proportion for any greater or less Quantity than a Ton:

For all Lime and Lime Stone which shall be navigated upon the said intended Canal or Collateral Cuts, and which shall have paid the Tonnage imposed under the said Act of the Twenty-fifth Year of the Reign of his present Majesty, upon Lime and Lime Stone, passing out of the South End of the Tunnel of the present Dudley Canal, and which shall not pass through a certain other Tunnel to be made on the said intended Canal, at or near Gorsty Hill, in the Parishes of Rowley Regis and Halesowen, or One of them, the Sum of One Penny a Ton per Mile, and so in Proportion for any greater or less Quantity than a Ton, and for any Distance greater or less than a Mile:

For all Lime and Lime Stone which shall be navigated upon the said intended Canal, and which shall have paid the Tonnage imposed under the said Act of the Twenty-fifth

fifth Year of his present Majesty, upon Lime and Lime Stone passing out of the South End of the Tunnel of the present Dudley Canal, and which shall pass through such Tunnel, at or near Gorsty Hill aforesaid, the Sum of Four-pence Halfpenny a Ton, and so in Proportion for any Quantity greater or less than a Ton, but without regard to the Distance the same shall pass upon the said intended Canal:

For all Lime and Lime Stone which shall be navigated upon the said intended Canal and Collateral Cuts, and which shall not have paid to the said Company of Proprietors any of the Rates or Dues imposed by the said Act of the Twenty-fifth Year of his present Majesty, upon Lime and Lime Stone passing out of the South End of the Tunnel of the present Dudley Canal, and for which no other Rate or Due is imposed by this present Act, the Sum of Nine-pence a Ton, and so in Proportion for any greater or less Quantity than a Ton:

For all Goods, Wares, Merchandize, and Commodities, which shall be navigated upon that Part of the said Dudley Canal which was made under the Powers of the said Act, of the Sirteenth Year of his present Majesty, and which shall not have paid or be liable to pay any of the other Rates or Dues granted to the said Company of Proprietors by the said Acts of the Sirteenth and Twenty-fifth Years of his said Majesty, or this present Act, the Sum of Two-pence a Ton per Mile, and so in Proportion for any greater or less Quantity than a Ton, and for any Distance greater or less than a Mile.

Power to vary the Rates.

XV. Provided always, and be it further enacted, That the said Company of Proprietors shall, at their First General Assembly after this Act shall have received the Royal Assent, ascertain and fix the Rates to be taken by the said Company of Proprietors by virtue of this Act, and that it shall be lawful for the said Company of Proprietors, at any subsequent General Assembly or Assemblies, to be held for that Purpose, (of which Fourteen Days Notice shall be given in some Worcester and Birmingham Newspapers), to lessen or reduce all or any of the Rates which for the Time being shall be payable to them by virtue of this Act, to such respective Sums as they shall think proper, and afterwards from Time to Time, at any General Assembly, (of which the like Notice shall be given as aforesaid), to advance or raise all or any of the Rates so lessened or reduced, provided that the same,

when so advanced or raised again, do not exceed the respective Sums herein-before particularly mentioned.

Rates on Coals, &c. passing from the *Stourbridge* Canal, not to be reduced without Consent, &c.

XVI. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to enable the said Company of Proprietors to lessen or reduce the Rates of Tonnage upon any Coal, Goods, or Merchandize passing out of or from the said Stourbridge Navigation, upon or along any Part of the said intended Canal, without the Consent of the Worcester and Birmingham Canal Company first obtained under their Common Seal, at a General Assembly, convened by Advertisement in the Birmingham and Worcester Newspaper, Four Weeks at least before such Meeting, expressing that the Propriety of such Reduction will be taken into Consideration at such Meeting.

Manner of raising Money for the Purposes of the Act.

XVII. And, to the End that the said Company of Proprietors may be the better enabled to carry on the said Undertaking, be it further enacted, That it shall be lawful for the several Persons herein-before named and made Part of the Company of Proprietors of the Dudley Canal as aforesaid, together with such of the present Proprietors of the said Dudley Canal as have subscribed to advance Money towards carrying on and completing the Canal and Collateral Cuts to be made by virtue of this Act, their respective Executors, Administrators, and Assigns, to raise and contribute amongst themselves, or the said Company of Proprietors may admit other Subscribers towards raising a competent Sum of Money, not exceeding in the Whole the Sum of Ninety thousand Pounds, for making and completing the said intended Canal and Collateral Cuts, and the several other Works hereby authorized to be made; which said Sum of Ninety thousand Pounds shall be divided into Shares of One hundred Pounds each, and the said Shares shall, either in whole Shares or in Parts of Shares, be and are hereby vested in the several Subscribers of such Money, (in Proportion to the Sums by them respectively subscribed), their several and respective Executors, Administrators, and Assigns, to and for their own proper Use and Behoof respectively, and shall be deemed to be Personal Estate, and transmissible as such, and all Bodies Politick and Corporate, and all other Persons, their Executors, Administrators, and Assigns, who have or shall become Subscribers towards carrying on and completing the said intended Navigation, shall be entitled to and receive, after the said Navigation shall be completed, a Proportion of the Profits arising as well from the said intended Navigation as from the present Dudley Canal Navigation,

Navigation, according to the Number of Shares or Parts of Shares, to which they shall be respectively entitled, not exceeding Fifty Shares to any One Person; and every Body Politick or Corporate, Person or Persons, having such Property in the said Undertaking, shall respectively be deemed Proprietors in the whole Concern in Proportion thereto, and shall bear and pay an adequate Sum of Money, in Proportion to every such Part or Share which they or he shall be possessed of towards carrying on the same: Provided always, that in case the said Sum of Ninety thousand Pounds, herein before authorized to be raised, shall be found insufficient for the making, completing, and maintaining the said intended Canal and Collateral Cuts, and other Works hereby authorized to be made, and all necessary Charges and Expences relating thereto, then, and in such Case, it shall be lawful for the several Persons who have or shall become Subscribers to the said intended Canal and Collateral Cuts as aforesaid, their respective Executors, Administrators, and Assigns, and they are hereby authorized and required to raise and contribute amongst themselves, in Manner and Form aforesaid, in Proportion to the Sum subscribed by each Person respectively, or any new Subscribers or Proprietors may be admitted by the said Company of Proprietors for Shares of One hundred Pounds each in the said Undertaking (not exceeding Fifty Shares to any One Person as aforesaid) any further or other Sum or Sums of Money as shall be wanting for completing and perfecting the said Navigation, not exceeding the Sum of Forty thousand Pounds, and every such new Subscriber towards raising such further or other Sum shall become a Proprietor in the said Undertaking, and have a like Vote by himself or herself, or by his or her Proxy, in respect of every such Share in the said additional Sum so to be raised, and shall also stand interested in all the Profits and Powers of the said Navigation, proportionably to the Sum, and the Number of Shares he or she may subscribe thereto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum, hereby allowed to be subscribed for and raised, had originally been Part of the said Sum of Ninety thousand Pounds; any Thing herein contained to the contrary notwithstanding.

Power to compel Payment of Subscriptions.

LXVIII. And be it further enacted, That the several and respective Persons who have subscribed or shall subscribe to advance any Money for and towards making and maintaining the said intended Canal and Collateral Cuts shall and they are hereby required to pay the Sum or Sums of

of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company of Proprietors, or the Committee of the said Company, agreeable to the Directions of the said recited Acts of the Sirteenth, Twenty-fifth, and Thirtieth Years of the Reign of his present Majesty, or any of them, with respect to the Monies thereby authorized to be paid, and the Powers of this present Act; and in case any such Person shall neglect or refuse to pay the Monies by him or her subscribed, or the Parts or Proportions thereof so called for, at the Time and in Manner required for that Purpose, it shall be lawful for the said Company of Proprietors to sue for and recover the same in like Manner as is directed by the said recited Acts, or any of them, with respect to the Monies thereby directed to be raised and paid.

Interest to be paid to the Proprietors upon their Shares, until the new Canal and Cuts are completed.

XIX. Provided always, and be it further enacted, That until the said intended Canal and Collateral Cuts shall be made and completed, all and every the Proprietors of Shares in the present Dudley Canal shall be entitled to receive Interest, after the Rate of Five Pounds per Centum per Annum, the same to be computed from the First Day of September One thousand seven hundred and ninety-one, and to be payable half-yearly on every Share, or Part of a Share, belonging to each such Proprietor in the said present Dudley Canal; and that all and every the Subscribers to the said intended Navigation shall be paid Interest as aforesaid for the Monies by them respectively advanced in pursuance of this Act, from the respective Times of advancing the same, until the said intended Canal and Collateral Cuts shall be made and completed; and that the Profits arising from the present Dudley Canal Navigation, after defraying all Outgoings and Expences attending the same, shall be applied towards Payment of such Interest as aforesaid, and the Deficiency (if any) shall be made good out of the Monies to be raised under and by virtue of the Powers of this Act.

The Canal not to be carried through the Lands of Mr. *Hylton*, otherwise than by a Tunnel, without his Consent.

XX. Provided always, and be it further enacted, That nothing herein contained shall authorize or impower the said Company of Proprietors, or any Person acting under their Authority, to make or carry the said Canal upon or through the Surface of any Lands or Grounds late belonging to John Scott Hylton Esquire, deceased, situate at Lapal aforesaid, or to lay or deposit any Earth, Gravel, or other Materials thereon, without the Consent in Writing of the Heirs or Devisees of the said John Scott Hylton; but nothing in the said recited Acts, or any of them,

or in this Act, shall extend to hinder or prevent the said Company of Proprietors from carrying the said intended Canal, by Means of a Tunnel, through any Lands or Grounds, late belonging to the said John Scott Hylton (be such Lands of any Description whatsoever), provided the Top of such Tunnel shall be Forty Feet at the least below the Surface of the Land through which the same shall be carried, and provided that no Pit or Shaft be sunk in any Part of such Lands or Grounds for the making or maintaining of such Tunnel, without such Consent as aforesaid, and that in the making of such Canal or Tunnel, or in the Execution of any of the Powers hereby granted, no Damage or Injury be occasioned to any Springs, Pools, or Waters late belonging to the said John Scott Hylton, or with which the Mansion House, Buildings, or Land late of the said John Scott Hylton, is or are supplied, or to any Reservoir, Well, Conduit, Pipes, or Aqueduct made use of for conveying such Water to such House, Buildings, or Land.

A Wharf to be made for the Use of the Town of *Dudley*.

XXI. Provided always, and be it enacted, That the said Company of Proprietors shall and will make, construct, and maintain, a commodious Wharf for the Use and Accommodation of the Inhabitants of the Town and Neighbourhood of Dudley, in the nearest and most convenient Situation to the said Town, at or near the West End of the Collateral Cut leading from Cabbage Hall to Spout Lane aforesaid.

Rates to be taken by the *Worcester* and *Birmingham* Canal Company for Things passing from or to the intended Canal.

XXII. And whereas the Company of Proprietors of the said Worcester and Birmingham Canal have agreed, that the Rates of Tonnage and Wharfage to be payable to them for such Coals and other Things which shall pass from the said intended Canal, into or upon the said Worcester and Birmingham Canal, and from the Worcester and Birmingham Canal into or upon the said intended Canal, shall be as herein-after mentioned; be it therefore further enacted, That it shall be lawful for the Company of Proprietors of the Worcester and Birmingham Canal to ask, demand, take, and recover, to and for their own proper Use and Behoof, for the Tonnage and Wharfage of all Coals, Goods, Merchandize, and other Things, which shall pass from the said intended Canal into or upon the said Worcester and Birmingham Canal, and from the Worcester and Birmingham Canal into or upon the said intended Canal, the respective Rates herein-after mentioned, and no higher; (that is to say),

For all Coals, Goods, Merchandize, and other Things, which shall pass from the said intended Canal into or

upon the ſaid Worceſter and Birmingham Canal, and from thence into or upon the Canal intended to be made from the ſaid Worceſter and Birmingham Canal towards the Town of Stratford upon Avon, in the County of Warwick, the ſame Sum in groſs for every Ton of ſuch Coals, Goods, Merchandize, and Things, as would for the Time being have been payable to the Company of Proprietors of the Worceſter and Birmingham Canal for the like Articles, if the ſame had been brought from the Town of Birmingham, and had paſſed along the ſaid Worceſter and Birmingham Canal, and from thence into ſuch Canal intended to be made towards Stratford upon Avon as aforeſaid; and ſo in Proportion for any leſs Quantity than a Ton, but without any Regard to the Diſtance the ſame ſhall paſs upon the ſaid Worceſter and Birmingham Canal:

For all Coal and Coak which ſhall paſs from the ſaid Canal, intended to be made by virtue of this Act, into or upon the ſaid Worceſter and Birmingham Canal, and along the ſame towards the City of Worceſter, and ſhall not paſs into the Canal intended to be made from the ſaid Worceſter and Birmingham Canal towards Stratford upon Avon as aforeſaid, the ſame Tonnage for every Ton of ſuch Coals and Coak as would for the Time being have been payable to the Company of Proprietors of the ſaid Worceſter and Birmingham Canal for ſuch Coals and Coak, if the ſame had been brought from the Town of Birmingham, and ſo in Proportion for any leſs Quantity than a Ton, but without any Regard to the Diſtance the ſame ſhall paſs upon the ſaid Worceſter and Birmingham Canal:

For all Goods, Merchandize, and other Things (except Coals and Coak) which ſhall paſs from the Canal intended to be made by virtue of this Act, into or upon the ſaid Worceſter and Birmingham Canal, and along the ſame towards the City of Worceſter, and ſhall not paſs into the Canal to be made towards Stratford upon Avon as aforeſaid, the ſame Rate of Tonnage per Mile for every Ton of ſuch Goods, Merchandize, and other Things, according to the Diſtance the ſame ſhall paſs upon the ſaid Worceſter and Birmingham Canal, as ſhall for the Time being be payable to the ſaid Company of Proprietors of the Worceſter and Birmingham Canal for ſuch like Goods, Merchandize, and other Things, brought from the Town of Birmingham, and paſſing upon the ſame Part only of the ſaid Worceſter and Birmingham Canal:

For all Coals, Goods, Merchandize, and other Things, which shall pass from the said Canal, intended to be made by virtue of this Act, into or upon the said Worcester and Birmingham Canal, and along the same to or towards the Town of Birmingham, the Sum of Two-pence per Ton, and so in Proportion for any less Quantity than a Ton, and without any Regard to the Distance the same shall pass upon the said Worcester and Birmingham Canal: And,

For all Goods, Merchandize, and other Things, which shall pass upon any Part of the said Worcester and Birmingham Canal, and from thence into or upon the said Canal, intended to be made by virtue of this Act, the same Rates of Tonnage as the said Company of Proprietors of the Worcester and Birmingham Canal are entitled to under or by virtue of the Act of Parliament of the Thirty-first Year of the Reign of His present Majesty, for making and maintaining the said Worcester and Birmingham Canal, in respect of the like Kind of Goods, Merchandize, and Things, passing upon the same Part of the said Worcester and Birmingham Canal:

And that the several Powers and Provisions of the said Act of the Thirty-first Year of the Reign of His present Majesty shall extend to the Rates hereby made payable to the Company of Proprietors of that Canal, for the ascertaining, recovering, and varying the same, in like Manner as if the said Rates were Part of the Rates granted to the said Company of Proprietors of the Worcester and Birmingham Canal by the said recited Act; and that whenever any Reduction shall be made by the Company of Proprietors of the Worcester and Birmingham Canal, of or in the Rates payable to them for Coals, Goods, Merchandize, or other Things, passing upon the said Worcester and Birmingham Canal, not passing into or from the said Canal intended to be made by virtue of this Act, the like Reduction shall at the same Time be made and take Place, and shall have the like Continuance in the Rates payable to them for the like Kind of Articles, passing into or from the said Canal intended to be made by virtue of this Act, any Thing in the said Act of the Thirty-first Year of the Reign of His present Majesty to the contrary hereof in any wise notwithstanding: Provided always, that such Reduction shall not extend to the Tonnage of Coals, Goods, Merchandize, and other Things, passing from the Canal intended

to

to be made by virtue of this Act, to or towards the Town of Birmingham.

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

XXIII. And whereas the said Companies of Proprietors of the said Dudley and Worcester and Birmingham Canal Navigations, are mutually desirous to secure each other against any Loss or Injury which might otherwise arise to either of the said Canals, by the draining of the Water contained in or appropriated to the other of the said Canals, by reason of such Canals being to communicate with each other on a dead Level; be it enacted, That the said Company of Proprietors of the said Dudley Canal shall and will, and they are hereby required, at their own proper Costs and Charges, to erect or cause to be erected, at or within Five hundred Yards of the said Worcester and Birmingham Canal, or at such other Place as the said Companies of Proprietors of the said Dudley and Worcester and Birmingham Canals shall mutually agree upon, and at all Times for ever thereafter support, maintain, and keep in Order, according to the best practicable Mode of keeping Locks Water-tight, a Stop Lock with Gates in Manner herein-after described, (that is to say) that the said Lock shall be made of such Dimensions as to admit One Boat of the Construction commonly used on the said Dudley Canal, and that the said Lock shall be furnished with Four Gates or Pairs of Gates, Two of which Gates or Pairs of Gates shall open towards the said Worcester and Birmingham Canal, and be placed at such Distance from each other as to admit such Boats as navigate or may navigate upon the said Dudley Canal into the Chamber of the Lock between the said Gates, in the same Manner as in any common Lock; and Two other of the said Gates or Pairs of Gates shall open towards the said Dudley Canal, and be placed at such Distance from each other as to admit such Boats as navigate or may navigate upon the said Dudley Canal into the Chamber of the Lock between the said last-mentioned Gates in Manner aforesaid, and the said Gates respectively shall be so made and used as effectually to prevent any Loss of Water from the said Worcester and Birmingham Canal into the said intended Canal, or from the said intended Canal into the said Worcester and Birmingham Canal; and that in case the Stop Gates and Works so to be erected as aforesaid shall at any Time hereafter be found ineffectual to prevent the Waste or Loss of Water from the One of the said Canals to the other of them as aforesaid, that then, and in such Case, such other Device, Works, or Machinery, shall be constructed, made,

made, and erected, in such Situation as aforesaid, or in such other Situation as the said Company of Proprietors of the Worcester and Birmingham, and the Dudley Canals respectively, or any Engineer or Engineers of their mutual Appointment, shall agree upon, so as effectually to prevent the Waste or Loss of Water from either of the said Canals to the other of them; and in case the said Companies of Proprietors shall not mutually agree of and concerning the same, then, and in such Case, the same shall be ascertained and determined by the Commissioners appointed for carrying the Purposes of the said Worcester and Birmingham Canal Act into Execution, in like Manner as such Commissioners are authorized and impowered to settle and determine any other Matters and Things under and by virtue of the Powers of the said last-mentioned Act; and in case the said Company of Proprietors of the said Dudley Canal Navigation shall neglect or refuse to repair the said Lock herein-before directed to be made, or the Gates, Valves, or other necessary Appendages belonging thereto, that then, and in such Case, it shall and may be lawful to and for the said Company of Proprietors of the said Worcester and Birmingham Canal Navigation, and they are hereby authorized and impowered, after Six Days Notice given by their Clerk, principal Agent, or Surveyor, to the Clerk, Agent, or Surveyor of the said Dudley Canal, in Writing, to stop the Passage of the said Canal during so long a Time as shall be necessary for doing such Repairs, and by Agents and Workmen of their own Appointment to repair and amend the same, at the proper Costs and Charges of the said Dudley Canal Company, which said Costs and Charges the Treasurer or Collector of the said Company of Proprietors of the said Dudley Canal is hereby authorized and directed to pay as aforesaid.

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

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

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

The Lock to be under the joint Management of both Companies.

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

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

XXVI. Provided also, and be it further enacted, That if any Boatman, or other Person or Persons, shall open or cause to be opened any or either of the Gates in the said Stop Lock so to be erected as aforesaid, during the Time the same shall be locked up as aforesaid, unless the Surface of the Waters in the said Worcester and Birmingham, and the Dudley Canals, shall be of the

same Height or Level, without the Permission of the said Company of Proprietors by whom such Gate or Gates shall have been locked up as aforesaid, their Lock Keeper, Agent, or Deputy, or if any Boatman, or other Person or Persons navigating any Boat or other Vessel, after he shall have brought his Boat into such Lock, shall omit or neglect to shut the Gate or Gates of such Lock, through which he shall have so entered before he opens the Gate or Gates of the other End of such Lock, or does any other wilful Act, whereby the Water may be made to pass from the said Worcester and Birmingham Canal towards or into the said Dudley Canal, or from the said Dudley Canal towards or into the said Worcester and Birmingham Canal, and shall be thereof convicted before One or more of his Majesty's Justices of the Peace for the County of Worcester, on the Oath of One or more Witness or Witnesses, (which Oath such Justice or Justices is and are hereby impowered to administer without Fee or Reward), such Offender or Offenders shall forfeit and pay to the Company of Proprietors respectively sustaining any Loss or Waste of Water by Reason of such Gate or Gates being opened, or being neglected to be shut as aforesaid, their Treasurer or principal Agent, for every such Offence not exceeding Ten Pounds, nor less than Forty Shillings, at the Discretion of the said Justice or Justices, and in Default of Payment such Penalty shall be recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby impowered to grant), and the Overplus (if any) after such Penalties and Forfeitures, and the Charges of such Distress, are deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol for the County of Worcester, as the Case may be, there to remain, without Bail or Mainprize, for such Time as such Justice shall direct, not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

The *Dudley* Company to make up to the *Stourbridge* Canal Company any Di-

XXVII. And whereas it is apprehended the making of the said intended Canal will occasion a Diminution in the Rates or Dues payable to the Company of Proprietors of the said Stourbridge Canal, by virtue of an Act of

minution in their Rates to a certain Amount.

of Parliament of the Sixteenth Year of the Reign of his said Majesty; and the Company of Proprietors of the Dudley Canal are willing and have agreed to make such Compensation as herein-after mentioned, for or on Account of such Diminution; be it therefore further enacted, That in case it shall happen, in any Year after the said intended Canal is made and completed, that the Profits arising from the Rates or Dues payable to the said Company of Proprietors of the Stourbridge Canal Navigation shall not amount to Twelve Pounds for every Share in that Navigation, the Company of Proprietors of the said Dudley Canal shall and they are hereby required, in every Year that the Case shall happen, out of the Rates payable to them by virtue of the said recited Acts of the Sixteenth and Twenty-fifth Years of the Reign of his present Majesty, and this Act, to make up the Deficiency to the said Company of Proprietors of the said Stourbridge Canal Navigation, so that the Company of Proprietors of the said intended Canal shall not in any One Year be liable to pay any greater Sum towards making up such Deficiency than Three Pounds for every Share in the said Stourbridge Canal Navigation; and the said Company of Proprietors of the Dudley Canal Navigation shall and they are hereby required, within Thirty Days from the End of every Year, after making and completing the said intended Canal, to settle with the Company of Proprietors of the said Stourbridge Navigation the Amount of the Deficiency (if any) to be made up as aforesaid, and to pay the same to the said Company of Proprietors of the said Stourbridge Canal Navigation.

XXVIII. Provided always, That nothing herein contained shall subject the said Company of Proprietors of the Dudley Canal Navigation to make good any such Deficiency in any Year as aforesaid, until after they shall, out of the Rates and Dues granted to them as aforesaid, have had and received the Sum of Five Pounds per Centum for that Year on every Share belonging to them in the said Dudley Canal Navigation.

XXIX. Provided also, That nothing herein contained shall be construed to alter or lessen the Compensation of Nine Pounds a Share to be made to the said Company of Proprietors of the Stourbridge Canal Navigation by the Company of Proprietors of the said Worcester and Birmingham Canal Navigation, under and by virtue of the said recited Act of the Thirty-first Year of the Reign of his present Majesty, or to subject and charge the said Company of Proprietors of the Dudley Canal Navigation

vigation with, or make them liable to contribute to the Payment of any Part of the said Compensation of Nine Pounds a Share.

Power to inspect the Books of the *Stourbridge* Company.

XXX. Provided always, and be it further enacted, That any Person or Persons appointed for that Purpose by the said Company of Proprietors of the Dudley Canal shall have free Liberty, at any seasonable Time or Times, after any Demand shall have been made upon the said Company of Proprietors, by or on Behalf of the said Company of Proprietors of the Stourbridge Canal Navigation, for any Sum or Sums of Money to make up any such Deficiency as aforesaid, to inspect all or any of the Books of Account of the said Company of Proprietors of the Stourbridge Canal Navigation, and to take any Copies thereof, or Extracts therefrom, without Fee or Reward; and in case the said Company of Proprietors of the Stourbridge Canal Navigation, or any Person or Persons acting under their Authority, shall refuse or neglect to permit any such Inspection, or the taking any such Copy or Extract, the said Company of Proprietors of the said Dudley Canal Navigation shall not be liable or compellable to pay the Sum which shall have been so demanded, or any Part thereof, until such Inspection shall be permitted to be had, and such Copies or Extracts be permitted to be taken as aforesaid.

Power to inspect Books of the *Dudley* Canal Company.

XXXI. Provided always, and be it further enacted, That any Person or Persons, appointed for that Purpose by the said Company of Proprietors of the Stourbridge Canal Navigation, shall have free Liberty, at any seasonable Time or Times, after Demand shall have been made by or on Behalf of the said Company of Proprietors of the Stourbridge Navigation, upon the Company of Proprietors of the said Dudley Canal, for any Sum or Sums to make up such Deficiency as aforesaid, and such Deficiency shall not be paid within the Space of Thirty Days as aforesaid, to inspect all or any of the Books of Account of the said Dudley Canal Company, and to take Copies thereof, or Extracts therefrom, without Fee or Reward, in order to ascertain the Amount of the Rates or Dues received by the said last mentioned Company for the Period in which such Deficiency shall have been incurred.

A certain Clause in the *Worcester* Canal Act repealed.

XXXII. And whereas, by a Clause in the said Act of the Thirty-first Year of the Reign of His present Majesty, the said Company of Proprietors of the Worcester and Birmingham Canal Navigation are directed and required to make up to the Company of Proprietors of the said Dudley Canal Navigation the Deficiency to arise

in the Annual Average Profits of the said Dudley Canal, in Manner therein mentioned: And whereas it is proper, on Account of the making of the said intended Canal, that they should not be any longer subject to make up any such Deficiency; be it therefore further enacted, That the said Clause shall be, and the same is hereby repealed.

To oblige Company to purchase Shares in certain Cases.

XXXIII. And whereas some of the Members of the said Company of Proprietors of the Dudley Canal Navigation may not chuse to be concerned in the said Undertaking; be it therefore further enacted, That in case any Person, being a Member of the said Company of Proprietors, and not having agreed to become a Subscriber to the making and maintaining the said intended Canal and Collateral Cuts, or the Guardians, Trustees, or Committees of any such Person, being a Minor, or under any other Disability of acting for himself or herself, shall by Writing under his, her, or their Hand or Hands, to be delivered to the said Company of Proprietors at their First General Assembly to be holden by virtue of the said Acts, signify to the said Company his, her, or their Desire not to be concerned in the said Undertaking, then, and in every such Case, the said Company of Proprietors shall and are hereby required, at the Request of the Person or Persons so signifying such Desire, to purchase the Share or Shares of such Person or Persons in the said Dudley Canal Navigation, at a Sum of Money equal to the whole Money which shall to that Time have been advanced upon such Share or Shares, and Interest upon such Money at Five Pounds per Centum per Annum, for the Time or Times of advancing such Money, and also such further Sum of Money (not less than One hundred Pounds upon each Share) as the said Commissioners, or any Five or more of them, shall think reasonable or proper; and in case the said Company of Proprietors shall not pay such Money for the Purchase of such Share or Shares, upon Demand made thereof from their Clerk, Treasurer, or principal Agent, the same shall and may be recovered from the said Company of Proprietors, by Action at Law in any of His Majesty's Courts of Record, with full Costs of Suit; and any such Guardians, Trustees, or Committees, are hereby impowered to make and execute a proper Transfer of such Share or Shares to the said Company of Proprietors, or to such Person or Persons as they shall direct or appoint.

How Company to be rated for Lands and Buildings.

XXXIV. And be it further enacted and declared, That the said Company of Proprietors shall from Time to

Time be rated to all Parliamentary and Parochial Cares, Rates, and Assessments, for and in respect of the Lands and Grounds taken and used by the said Company, and all Warehouses and other Buildings erected, or to be erected, by the said Company of Proprietors, in the same Proportions as other Lands, Grounds, and Buildings, lying near the said Canal and Collateral Cuts, are or shall be rated.

Company to make Satisfaction for Tythes.

XXXV. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all the Tythes, both great and small, of the Lands which shall be taken or made use of by them for the Purposes of this Act, to the several Persons who are now entitled 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 other Lands or Hereditaments are herein-before directed to be ascertained.

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

Form of Conviction.

BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the said County of [*specifying the Offence, and Time and Place when and where the same was committed*].

Given under my Hand and Seal, the Day and Year aforesaid.

Expences of the Act.

XXXVII. 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

concerning the same, shall be borne, paid, and defrayed by the said Company of Proprietors, by and out of the first Monies to be called for and received by virtue of this Act: And that this Act shall be deemed and taken to be a Publick Act; and shall be judicially taken Notice of as such, by all Judges, Justices, and other Persons, without specially pleading the same.

Publick Act.

FINIS.