ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. XCVII.

An Act for making and maintaining a Navigable Canal from the River *Severn*, at or near the City of *Glouceſter*, into a Place called *Berkeley Pill*, in the Pariſh of *Berkeley*; and alſo a Cut to or near the Town of *Berkeley*, in the County of *Glouceſter*.

WHEREAS the Navigation of the River Severn between the City of Glouceſter and the Port of Briſtol and the Briſtol Channel, is at preſent ſubject to great Obſtructions, and is not only very unſafe and uncertain, but alſo not navigable for Veſſels of large Burthen: And whereas the making and maintaining a Canal for the Navigation of Ships of large Burthen, as well as Boats, Craft, and other Veſſels, from the ſaid River, at or near the City of Glouceſter, into a Place called Berkeley Pill, in the Pariſh of Berkeley, in the County Preamble.

of Glouceſter, will open a much more ſafe and certain navigable Communication between the Port of Glouceſter and the Briſtol Channel and Foreign Ports, as well as the Port of Briſtol and other Britiſh Ports, than at preſent, and will be the Means of extending the Trade and Commerce of this Kingdom, and will be thereby of great publick Utility; 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 Samuel Skey, William Reynolds, Thomas Turner, John Taylor, George Ruſſell, Charles Taylor, George Humphreys, Penny Lloyd, Charles Lloyd, Thomas Botfield, Robert Gomery, Richard Cope, Reverend Roger Clayton, Thomas Carden, Joſeph Berwick, James Skey, Thomas Brockhurſt junior, Aaron York, Aaron York junior, Jonathan Worthington, Thomas Huſband, Jonathan Skey, Benjamin Pearkes, John Wilkinſon, William Banks, Thomas Weſtfaling, John Smith, Alexander Brodie, Robert Pardoe, Samuel Elyard, Edward Devett, John Waſtie, Thomas Farley, Robert Raikes, Thomas Tovey, Hughes Spinſter, Hughes Spinſter, John Ready, Reverend Benjamin Newton, Mary Ferry, William Loveday, Samuel Skey junior, Robert Honeybourn, Thomas Barnes, Thomas Baylis, William Price, John Smith, John Cooke, Edward Tawny, Robert Lucas, Martin Lucas, William Ruſſell, Giles Greenaway, Thomas Welles, Edmund Stock, Edward Elton, William Cother, Thomas Blunt, William Fendall, Sir John Guiſe Baronet, Thomas Weaver, John Jefferies, Samuel Woodcock, John Pitt, John Skinner Stock, Thomas Mee, Edwin Jeynes, Robert Morris, Abraham Saunders, Abraham Saunders junior, David Saunders, James Jelf, Samuel Niblett, John Turner, George Goodyar, Bartholomew Fox, John Coles, James Commeline, Nicholas Barnes, William Fendall, Daniel Willey, Edward James, Higgins, Richard Chandler, John Tovey, Edward Holder, Thomas Palin, Thomas Parker, George Connibeer, George Hincks, Watkin Crowther, Cheſton W. D. Thomas Price, Samuel and John Niblett, Nayler, Charles Brandon Trye, Charles Evans, John Phillpotts, Samuel Commeline, and Elizabeth Hancock, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as ſhall at any Time hereafter be poſſeſſed of One or more Share

Company of Proprietors.

or Shares, as herein-after mentioned, of and in the said Navigation, shall be and are hereby united into a Company for the better carrying on, making, completing, and maintaining the said intended Canal, according to the Rules, Orders, and Directions herein-after mentioned and expressed, and shall for that Purpose be One Body Politick and Corporate, by the Name of The Gloucester and Berkeley Canal Company, and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; and also shall and may have Power and Authority to purchase Lands, Tenements, and Hereditaments, to them and their Successors and Assigns, for making the said Canal, and the several Works hereby authorized to be made, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and also to sell any of the Lands, Tenements, or Hereditaments purchased for the Purposes aforesaid; and the said Gloucester and Berkeley Canal Company shall be and are hereby authorized and impowered, by themselves, their Deputies, Agents, Officers, and Workmen, to make and complete a Canal navigable and passable for Ships of large Burthen, as well as Boats, Craft, and other Vessels, from the River Severn, near the City of Gloucester, to Berkeley Pill aforesaid, in the following Line, (that is to say), through Part of the said City, and through certain Lands called Lanthony, and through the Parishes of Hemstead, Quedgeley, Hardwick, Haresfield, Standish, Moreton Valence, Wheatenhurst, Fretherne, Saul, Frampton upon Severn, Slimbridge, and Berkeley, and to supply the said intended Canal whilst the same shall be making and when made with Water from all Rivers, Brooks, Springs, Streams, Rivulets, and Watercourses, subject to the Restrictions herein-after mentioned, which shall be found in digging or making the said intended Canal, or within the Distance of One thousand seven hundred and sixty Yards from any Part of the said intended Canal; and the said Canal Company are hereby authorized and impowered, by themselves and their Deputies, Agents, Officers, and Workmen, to make One or more Reservoir or Reservoirs, Bason or Basons, Jetty or Jetties, and such Pound Locks, Stop Gates, Wharfs, Quays, and Docks, and to erect One or more Fire Engine or Engines, or other Machines, for the Purpose of supplying the said intended Canal with Water, and also such and so many Feeders, Aqueducts, and Channels as they shall think fit, for supplying the said intended Canal and Reservoirs with Water, and also to cleanse, scour,

Incorporated.

Their Powers.

cut, dig, open, deepen, enlarge, or straighten the Streams, Brooks, or Watercourses which come or may be brought into or made to communicate therewith respectively, subject to the Restrictions herein-after mentioned, and to dig, cut, or raise the Banks of any of the said Streams, Brooks, or Watercourses, for bringing Water into the said intended Canal, and to make such proper Trenches or Passages for Water in, upon, or through the Lands adjoining or near to the said intended Canal, or such Streams, Brooks, or Watercourses as aforesaid, or any of them, as shall seem necessary or proper; and for the Purposes aforesaid, the said Canal Company, their Deputies, Agents, Officers, and Workmen, are hereby authorized and impowered to enter into and upon the Lands or Grounds of any Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out and ascertain such Parts thereof as they shall think necessary and proper for making the said intended Canal, and any such Reservoir or Reservoirs, and all such other Works, Matters, and Conveniencies as they shall think proper and necessary for making, preserving, improving, completing, maintaining, and using the said intended Canal, and other Works, and also to bore, dig, cut, trench, sough, get, remove, take, carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said intended Canal or other Works, or out of the Lands or Grounds of any Person or Persons adjoining or lying convenient thereto, so as the same does not exceed One hundred Yards, and which may be proper, requisite, or convenient for making, carrying on, continuing, maintaining, or repairing the said intended Canal, or other Works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, and maintaining any such Feeders, Trenches, Passages, Aqueducts, Culverts, Weirs, Watercourses, Drains, Back Drains, and such other Works aforesaid, as shall be necessary and proper to convey Water to or from the said intended Canal, according to the Intent and Purpose of this Act, and also to make, build, erect, and set up, in or upon the said intended Canal, or upon the Lands adjoining or near the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water, Water Stanks, Reservoirs, Drains, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing

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ing Beams, Cranes, Fire Engines, or other Machines, Dry Docks, and other Works, Ways, Roads, Towing Paths, and Conveniences, as and where the said Canal Company shall think requisite and convenient for the Purposes of the said Navigation, within the Distance aforesaid, and also from Time to Time to alter, repair, and amend or discontinue the same, and to divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Passages, Locks, Tunnels, Reservoirs, Culverts, Weirs, Aqueducts, Trenches, Sluices, and other Works or Conveniencies, as well for the carrying and conveying of Goods and other Things to and from the said intended Canal, as for the carrying and conveying of all Manner of Materials necessary for the making, directing, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said intended Canal, and the Works of or belonging to the said Navigation, or useful for any Purpose therein, and also place, lay, work, or manufacture the said Materials on the Lands or Grounds near to the Place or Places where the said Works, or any of them, shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said intended Canal, or the Reservoirs, Tunnels, Aqueducts, Soughs, Trenches, Passages, Feeders, Culverts, Weirs, Watercourses, Drains, Back Drains, and Sluices respectively, which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads, and Ways convenient for towing, haling, or drawing of Ships, Boats, Craft, and other Vessels passing upon the said intended Canal, with Men, Horses, or otherwise, and proper Places for Ships, Boats, Barges, and other Vessels navigated upon the said intended Canal to turn, lie, or pass each other, as they the said Canal Company shall think convenient, and to construct, erect, and keep in Repair any Piers, Arches, Aqueducts, and other Works, in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing of the said intended Canal, and the Towing Paths on the Sides thereof; and also to construct, erect, make, and do all other Matters and Things which they shall think convenient and necessary for the making, erecting, preserving, improving, completing, and using the said intended Canal and other Works, in pursuance of and according to the true Intent and Meaning of this Act, they the said Canal Company, and their several Deputies, Agents, Officers, and Workmen, doing as little Damage as may be in the

Execution

Execution of the several Powers to them hereby granted, and making Satisfaction in Manner herein-after mentioned to the Owners or Proprietors of, and other Persons interested in, any Lands, Tenements, or other Hereditaments, Waters, Watercourses, Brooks, or Rivers respectively, which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Canal Company, and their Deputies, Agents, Officers, and Workmen, and all other Persons, for what they or any of them shall do by virtue of the Powers hereby granted.

Line of the Canal to be guided by a Plan and Book of Reference.

II. And whereas a Map or Plan describing the Line of the said intended Canal, and the Lands through which the same is 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 made and signed by Thomas Pearce and James Croome, on Behalf of the Owners of the Lands through which the said Canal is proposed to be made, and also by Francis Welles and Thomas Commeline, on Behalf of the Subscribers to the said Undertaking; be it therefore further enacted, That the said Plan and Book of Reference, or a Duplicate thereof, signed as aforesaid, shall, before the said Canal Company shall begin to make the said Canal, be deposited with the Clerk of the Peace for the County of Gloucester, and the same shall remain in his Custody, and all Persons shall, at any reasonable 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 Canal Company, in making the said intended Canal, shall not deviate from the Line or Course thereof described in the said Map or Plan and Book of Reference, without the Consent in Writing of the Person or Persons through whose Lands or Grounds such Deviation shall be made: Provided always, That no Advantage shall be taken of or against the said Canal Company, or any Interruption be given to the making of the said intended Canal, 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 Commissioners to be appointed as herein-after mentioned, and be certified by

Writing under their Hands, that such Error or Omission proceeded from Mistake.

III. Provided always, and be it further enacted, That in case the Owners and Proprietors of all the Lands over or through which the Line of the said Canal is herein-before authorized to be carried, within the Parishes of Quedgeley and Hempstead, or the Guardians, Trustees, or Committees of any such Owners or Proprietors, being Infants, or otherwise incapable of acting for themselves, shall, by Writing under their Hands, to be delivered to the Clerk, Treasurer, or Principal Agent to the said Canal Company, on or before the First Day of June One thousand seven hundred and ninety-three, signify their Desire that the Line or Course of the said Canal should be carried through other Parts of their Lands, within the said Parishes of Quedgeley and Hempstead, than those described in the said Plan or Book of Reference, and shall by such Writing clearly and distinctly ascertain and describe the Course in which the said Canal shall be carried within the said Parishes, then the said Canal Company shall and are hereby required to cause the said Canal to be made and carried through the said Parishes of Quedgeley and Hempstead, in the Line or Course mentioned and described in the said Writing, provided none of the Lands of any other Person than those by whom or on whose Behalf such Writing shall be signed, can or may be cut into, or affected, for the Purpose, or by Means of making such Variation, without the Consent in Writing of such Person, any Thing herein-before contained to the contrary hereof notwithstanding.

Dimensions of the Canal.

IV. And be it further enacted, That the said intended Canal shall be made Seventy Feet wide, and Fifteen Feet deep at the least, and shall be kept properly cleansed and scowered, so as at all Times to admit Vessels of Three hundred Tons Burthen and upwards to navigate and pass thereon without Interruption: Provided nevertheless, That the Lands and Grounds to be taken or used for making the said intended Canal, and the Towing Paths, and the Ditches and Fences to separate the Towing Paths from the adjoining Lands, shall not exceed Seventy Yards in Breadth, except in such Places where the said intended Canal shall be raised higher or cut more than Twenty Feet deeper than the present Surface of the Land, and in such Places where it shall be judged necessary for Vessels to turn, lie, or pass each other, or where any Crane may be erected, or Goods or

Things be delivered, but in no Case above One hundred Yards in Breadth in any Place.

No Building to be injured, or Garden, &c. cut through, without Consent of the Owners.

V. Provided always, and be it further enacted, That nothing herein-before or herein-after contained shall authorize or impower the said Canal Company, or any other Person or Persons, to take, use, injure, or damage any House or other Building, or any Ground which, upon the First Day of January One thousand seven hundred and ninety-three, was the Scite of any House or other Building, or a Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or Lawn inclosed or adjoining to a House, without the Consent of the respective Owners thereof.

Power to Corporations, Trustees, &c. to contract for the Sale of Land for the Canal.

VI. And be it further enacted, That after any Land, Ground, or other Hereditament shall be set out and ascertained for making the said intended Canal, and other the Purposes and Conveniences hereby authorized or directed, it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust for Charities and other Purposes, Committees, Executors, and Administrators, and all other Trustees, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunaticks, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised and possessed in their own Right, and to and for all and every other Person or Persons who are or shall be seised, possessed of, or interested in any Lands, Grounds, or other Hereditaments which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, and convey to the said Canal Company, all or any Part of such Lands or other Hereditaments which shall from Time to Time be so set out and ascertained as aforesaid;

Power to sell or exchange small Pieces separated by the Canal.

and where by making the said intended Canal, or the Conveyance of Water thereto, the Property of any Land Owner or Owners shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for any Bodies Politick, Corporate or Collegiate, and other Person or Persons aforesaid, by and with the Consent of the Commissioners hereby appointed (such Consent to be testified by any Writing under their Hands and Seals) to contract for, sell, and dispose of, or to convey in Exchange in lieu of other Lands, all or any Part of such Lands or Grounds so separated into small Parcels as aforesaid, to any Person

or

or Persons, for such good and valuable Price or Consideration in Money, or other Equivalent, as to the said Commissioners shall seem reasonable; and that all such Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances, shall be valid and effectual in Law to all Intents and Purposes, any Law, Usage, or Custom to the contrary thereof in anywise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and other Persons, so selling, conveying, or exchanging as aforesaid, are hereby indemnified for what they shall respectively do by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances so to be made as aforesaid (other than those which concern any Purchase or Exchange between any such respective Land Owners) shall, at the Expence of the said Canal Company, be inrolled with the Clerk of the Peace for the County of Gloucester, and Copies thereof, signed by such Clerk of the Peace, purporting the same to be true Copies, shall be allowed to be good Evidence in all Courts whatsoever, for which Inrolment, or a Copy thereof, the Clerk of the Peace shall receive the Sum of Three-pence, and no more, for every One hundred Words, and so in Proportion for any less Number of Words.

Compensation for Commons how to be disposed of.

VII. And be it further enacted, That so much of the Purchase Money for the several Commons and Commonable Lands through which the said intended Canal will pass, as shall be deemed to be the Value of the Interest of the Lord of the Manor, and of the Persons entitled to the Right of Common in such Commons, shall be paid to the Surveyors of the Highways of the respective Parishes, Tythings, or Hamlets, and to be applied by such Surveyors to the Repairs of the Highways within the said respective Parishes, Tythings, or Hamlets, in such Manner as shall be directed by any Order or Orders of Vestry which may be made for that Purpose, and the Receipt or Receipts of such Surveyors shall, and is and are hereby declared to be a full and effectual Discharge to the said Canal Company for the several Sums so paid by them, or on their Behalf, for the Purposes aforesaid.

Copyhold Rights preserved.

VIII. Provided always, That all Contracts, Agreements, Bargains, Sales, and Exchanges of any Lands, Grounds, or Hereditaments, which are of the Nature of Copyhold, shall be executed and completed by Surrender thereof in the respective Courts of the Manors whereof the same are held, according to the Custom of the said Manors

Manors respectively, and shall remain subject to such and the same Fines, Rents, and Services as the same would have been subjected to if this Act had not been made.

Commissioners appointed.

IX. And be it further enacted, That all Persons seised of Freehold or Copyhold Estates in the said County of Gloucester, of One hundred Pounds per Annum, and the eldest Son or Heir Apparent of every Person seised of a Freehold or Copyhold Estate in the said County, of Five hundred Pounds per Annum, and all Persons residing within the said County, and having Personal Estates of the Value of Two thousand Pounds, shall be and are hereby appointed Commissioners for settling, determining, and adjusting all Questions, Matters, and Differences which shall or may arise between the said Canal Company and the several Proprietors of and Persons interested in any Lands or other Hereditaments or Waters that shall or may be affected or prejudiced by the Execution of any of the Powers hereby granted (and for the settling or determining whereof, no other Mode is by this Act provided), and for other the Purposes in this Act mentioned.

Proprietors and Persons interested disqualified from acting as Commissioners.

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

I *A. B.* do swear, That I will truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner by virtue of an Act of Parliament, made in the Thirty-third Year of the Reign of King *George* the Third, intituled, [*Set forth the Title of the Act*], and that I am qualified to act as a Commissioner according to the Directions of the said Act.

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

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

XII. And be it further enacted, That no Meeting of the said Commissioners shall at any Time be had for putting into Execution any of the Powers or Authorities vested in them by this Act (except such Annual Meetings as are hereby appointed to be held), unless previous Notice of the Time, Place, and Purpose of such Meeting shall be given in the Gloucester and Worcester Weekly Newspapers, or in such other Country Paper or Manner as the said Commissioners shall direct or appoint, at least Fourteen Days before such Meeting, and every such Notice shall specify the Time and Place of Meeting, and the several Matters and Things then and there proposed to be done, and that every Meeting of the said Commissioners by virtue of this Act shall be publick; and that no Act, Order, or Proceeding of the said Commissioners, or any of them, in the Execution of this Act (except in such Cases as are hereby otherwise directed), shall be valid, unless the same shall be made or done at a Meeting to be held in pursuance of this Act; and that all the Powers and Authorities by this Act given to or vested in the said Commissioners shall and may from Time to Time be exercised by the Majority of the Commissioners present at every such Meeting, such Majority not being less than Five. Notice to be given of the Meetings.

XIII. And be it further enacted, That upon any Application to be made to the said Commissioners, or any Five or more of them, by the said Canal Company, or by the Owner or Occupier of any Lands or other Hereditaments to be affected by the making of the said intended On Application Commissioners may hold Meetings.

tended Canal, or any of the Works necessary or relating thereto, or by any other Body Politick or Corporate, or Person or Persons interested in any Matter to be determined by the said Commissioners, requesting or desiring them to appoint a General Meeting of the said Commissioners, the Commissioners so applied to, or any Five or more of them, (although not assembled at a Meeting in pursuance of this Act), shall, and they are hereby authorized and required, within Fourteen Days after such Request or Application made, to give Notice, in such Manner as they shall think proper, of a General Meeting to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days, nor more than Twenty-five Days from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized, impowered, and required, notwithstanding any Adjournment of their Meeting, to assemble at the Time and Place so to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and vested in them, in Execution, and may then adjourn themselves, and afterwards meet at such Time and Place as the Majority of the said Commissioners then assembled shall think proper and convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners in pursuance of this Act, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then and in every such Case the Clerk to the said Commissioners shall and may, by Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the Place where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight next after the Day on which the last Meeting of the Commissioners was appointed to be held.

Commissioners to hold Annual Meetings.

XIV. And be it further enacted, That the First Meeting of the said Commissioners hereby appointed shall be held at the Booth Hall Inn, in the City of Gloucester, on the Fourth Day of June One thousand seven hundred and ninety-three, between the Hours of Ten and Twelve of the Clock in the Forenoon, and the said Commissioners shall afterwards hold One General Meeting on the Fourth Day of June in every succeeding Year, at Ten of the Clock in the Forenoon, at the Booth Hall aforesaid, or such other Place or Places, in the County of Gloucester, within Eighteen Miles of some Part of the said intended Canal, as the said Commissioners shall at the preceding

preceding General Meeting appoint, and in Default of such Appointment then at the Place at which such preceding General Meeting shall have been held.

Commissioners to determine what Sums the Company shall pay for Land and Damages.

XV. And be it further enacted, That the said Commissioners are hereby authorized and impowered, by Writing under their Hands and Seals, with the Consent of the Parties concerned, to determine and adjust, from Time to Time, what Sum or Sums of Money shall be paid by the said Canal Company, either by an Annual Rent or Payment, or by a Sum of Money in Gross, to and at the Election of such Bodies Politick, Corporate or Collegiate, or any Person or Persons respectively who shall be so entitled or interested as aforesaid, for the absolute Purchase of the Lands, Grounds, or other Hereditaments which shall be set out and ascertained for making the said intended Canal and Towing Paths, or any Part thereof, and other the Purposes herein mentioned, and also to determine and adjust what other distinct Sum or Sums of Money shall be paid by the said Canal Company as a Recompence for any Damages which may or shall be at any Time or Times sustained by any such Bodies Politick, Corporate or Collegiate, or by any Person or Persons respectively, being Owners of and interested in any Lands, Grounds, Waters, or other Hereditaments, for or by Reason of the severing or dividing the same, or the making, maintaining, or repairing the said intended Canal, Aqueducts, Feeders, Trenches, Passages, Weirs, Culverts, Watercourses, Roads, Bridges, Ways, or Sluices, or supplying the same, or any of them, with Water as aforesaid, or by the flowing, leaking, or oozing of the Water over or through the Banks of the said intended Canal, Trenches, or Sluices, or over or through any Passages, Gutters, or Watercourses which shall be made pursuant to the Powers hereby given, for conveying or communicating Water to or from the said intended Canal, or by not cleansing the said Watercourses, Trenches, or Passages, or by turning, stopping, or diverting, any Streams or Brooks into or under the same, or by Reason or Means of the Execution of any of the Powers herein contained by the said Canal Company, or by their Agents, Workmen, Officers, or Assistants, in case such Price or Value, Damages and Recompence respectively cannot be settled, adjusted, and agreed for by and between the said Canal Company, or their Agent or Agents, and such Proprietors or Persons interested in the said Lands, Grounds, or Hereditaments as aforesaid; and if the said Canal Company, or any such Body Politick, Corporate or Collegiate,

or

or other Person or Persons so interested or entitled as aforesaid, shall refuse or neglect to submit any such Matter to the Determination of the said Commissioners for the Space of Fourteen Days after being applied to for that Purpose, on Behalf of the said Canal Company, or shall be dissatisfied with any Determination which shall be by them made as aforesaid, or if any such Body Politick, Corporate or Collegiate, Trustee or Trustees, or any other Person or Persons as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money, or the First Payment of such Annual Rent, or such Recompence as shall be so determined to be paid, or shall, upon Notice in Writing given to the principal Officer of any such Body Politick, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands, Grounds, Waters, or other Hereditaments, for the Space of Fourteen Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Canal Company, or by Reason of Absence shall be prevented from treating, or through Disability by Nonage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement as shall be necessary for the Purpose aforesaid, or shall not, within the before mentioned Space of Fourteen Days, produce and evince a clear Title to the Premises which they are or shall be in the Possession of, or to the Interest which they claim therein, then and in every such Case the said Commissioners shall and are hereby impowered and required to issue a Warrant under their Hands and Seals to the Sheriff of the County of Gloucester; and in case any such Sheriff or his Under Sheriff shall happen to be One of the said Canal Company, or enjoy any Office of Profit or Trust under them, or shall be otherwise interested in the Matter in Question, then to the Coroner of the said County, not interested as aforesaid, commanding such Sheriff or Coroner, to impannel, summon, and return a Jury; and the said Sheriff or Coroner is hereby required accordingly to impannel, summon, and return a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trials of Issues in His Majesty's Courts at Westminster, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, not being less than Nine, or more than Twenty-one Days after such Warrant shall be served upon the said Sheriff or Coroner; and in case a sufficient Number of Jurymen

Jury to be summoned in certain Cases.

shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service (being so qualified as aforesaid) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners are hereby impowered to summon and call before them all and every such Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in Question; and the said Commissioners may order and authorize the said Jury, or any Six or more of them, to view the Place or Places, or Matters in Question, which Jury, upon their Oaths (which Oaths, as well as the said Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners are hereby impowered to administer) shall inquire of, assess, and ascertain the Sum of Money or Annual Rent to be paid for the Purchase of such Lands, Grounds, Mills, Waters, or other Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and shall assess separate Damages for the same, and the said Commissioners shall give Judgement for such Purchase Monies, Rent, or Recompence so to be assessed by such Jury, which said Verdict, and the Judgement thereupon pronounced as aforesaid, shall be signed by the said Commissioners, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politick, Corporate or Collegiate, and all other Persons whomsoever, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at Westminster, or any other Court, any Law or Statute to the contrary hereof notwithstanding.

Purchase Money not to be less than Thirty-eight Years Purchase.

XVI. Provided always, and it is hereby enacted, That the Price or Sum which shall be awarded to be paid by the said Canal Company for such Land as shall be taken for the Use of the said Canal, shall be calculated after the Rate of not less than Thirty-eight Years Purchase for the same, according to the then yearly Value thereof, over and above the Value of the Timber which shall be growing thereon, the Owner or Owners of such Land so to be taken as aforesaid consenting to bear and pay all such Cares, Burthens, and Assessments, as well Parochial as Parliamentary, as now are or hereafter may be payable in respect of such Lands, but not of any such Cares, Burthens, or Assessments as may become payable

in respect of any Tolls arising from the said Canal passing over and upon such Lands; and that the said Canal Company shall pay for such Timber at a Price to be fixed and put upon the same by the Arbitrators or Umpire to be appointed as herein mentioned, or shall leave the same for the Use of such Land Owner or Land Owners, at the Election of such Land Owner or Land Owners respectively.

Fine upon Sheriffs, &c. making Default.

XVII. And be it further enacted, That if any such Sheriff or Coroner as aforesaid, or his Deputy or Agent, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined, or to give Evidence, every Person so offending, having no reasonable Excuse (to be allowed by the said Commissioners) shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to be levied by virtue of any Warrant under the Hands and Seals of the said Commissioners, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted; and every such Penalty which shall be paid by or recovered from any Person who shall have been summoned to give Evidence as aforesaid, shall go and be paid to the Person or Persons who shall appear to the said Commissioners to be injured by the Default of such Person.

Expences of Commissioners and Jury by whom to be borne.

XVIII. And be it further enacted, That in all Cases where a Verdict shall be given for more Money, as a Recompence or Satisfaction for any Lands, Grounds, Waters, or other Hereditaments or Property of any Person or Persons, or for any Damage to be done to any Lands, Grounds, Waters, or other Hereditaments or Property of any Person or Persons, than had been previously offered by or on Behalf of the said Canal Company, or than had been determined and assessed by the said Commissioners, then all the Expences of calling a Meeting of such Commissioners (in case the Matter shall have been referred to and determined by them), and of summoning such Jury, and of taking such Inquest, shall be settled by the said Commissioners, and be defrayed by the said Canal Company; but if a Verdict shall be given

for the same, or a less Sum than had been previously offered by or on Behalf of the said Canal Company, or than had been determined or assessed by the said Commissioners as aforesaid, or in case no Damages shall be given by the Verdict where the Dispute is for Damages only, then and in every such Case the said Costs and Expences shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Canal Company shall have such Controversy or Dispute.

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

XIX. Provided always, and be it further enacted, That all and every Person or Persons requesting such Jury shall, before the said Commissioners shall be obliged to issue out their Warrant for summoning such Jury, first enter into a Bond with sufficient Securities to the Treasurer of the said Canal Company, in the Penalty of Fifty Pounds, to bear and pay the Costs and Expences of summoning such Jury and taking such Inquest, in case the same shall be payable by the Person or Persons entering into such Bond.

Notice of Injury to be given to the Company before Complaint made to the Commissioners.

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

Verdicts to be recorded.

XXI. And be it further enacted, That all the Determinations of the said Commissioners, which shall be submitted to and acquiesced in by the Parties concerned, and also the Verdicts of the Juries, and the Judgements of the said Commissioners thereon as aforesaid; and all Awards which shall be made by Arbitrators or Umpire chosen and appointed as herein-after mentioned, shall be transmitted to and kept by the Clerk of the Peace for the County of Gloucester, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, and also the Inrolment of all such Contracts, Agreements, Sales, and Conveyances as are herein mentioned, paying for each Inspection the Sum of One Shilling, and no more, and to take Copies there-

of,

of, paying for every Copy after the Rate of Three-pence for every One hundred Words.

Compensation to be made for the Tithes of the Lands to be taken.

XXII. And be it further enacted, That full Recompence and Satisfaction shall be made, by the said Canal Company, for all the Tithes, 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 now are entitled, or at any Time hereafter might have become entitled to such Tithes, according to their respective Interests therein, such Tithes to be estimated at the Average Value of the Four Years commencing at Michaelmas-day One thousand seven hundred and eighty-eight, and ending at Michaelmas-day One thousand seven hundred and ninety-two, such Value to be ascertained, in case of any Difference concerning the same, in like Manner as the Value of any other Lands or Hereditaments are herein directed to be ascertained.

Company to purchase Lands separated in Pieces not exceeding a certain Quantity.

XXIII. And be it further enacted, That the said Canal Company shall be compellable to purchase the Whole of any Piece or Pieces of Land through which the said intended Canal shall be cut, whether the same may belong to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust for Charities or other Purposes, Committees, Tenants for Life, Tenants by Curtesy, or other Persons under legal Disabilities, or to Tenants in Fee Tail or in Fee Simple, if the said Canal Company shall be required so to do by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust for Charities, or other Purposes, Committees, Tenants for Life, Tenants by Curtesy, or other Persons under legal Disabilities, or Tenants in Fee Tail or in Fee Simple, or such Part or Parts of such Piece or Pieces of Land, as such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust for Charities or other Purposes, Committees, Tenants for Life, Tenants by Curtesy, or other Persons under legal Disabilities, or Tenants in Fee Tail or in Fee Simple, shall require the said Canal Company to purchase, at the Rate of Thirty-five Years Purchase, according to the then yearly Value of such Lands, over and above the Value of the Timber which shall be then growing thereon, such yearly Value to be ascertained by Arbitrators, or Umpire, to be named and appointed as herein-after mentioned, and such Lands to continue to pay all Parliamentary, Parochial, and other Taxes as the same would

would have been liable to pay if they had not been purchased under this Act; and that the said Canal Company shall pay for such Timber at a Price to be fixed and put upon the same by the said Arbitrators, or Umpire, to be appointed as herein-after mentioned, or shall leave the same for the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust for Charities or other Purposes, Committees, Tenants for Life, Tenants by Curtesy, or other Persons under legal Disabilities, or Tenants in Fee Tail, or in Fee Simple, at the Election of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust for Charities or other Purposes, Committees, Tenants for Life, Tenants by Curtesy, or other Persons under legal Disabilities, or Tenants in Fee Tail or in Fee Simple respectively, and the said Lands so to be purchased shall be conveyed to such Person or Persons as the said Canal Company shall direct: Provided always, That if such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, Feoffees in Trust for Charities or other Purposes, Committees, Tenants for Life, Tenants by the Curtesy, or other Persons under legal Disabilities, or Tenants in Fee Tail or in Fee Simple, shall chuse to let such Lands to the said Canal Company, instead of selling the same, then the said Canal Company shall, and they are hereby required to rent the same at such yearly Sum as shall be fixed, by such Modes as are herein-before provided for the settling of Disputes or Differences: Provided always, That where any Lands which the said Canal Company shall be required to purchase under this Act, shall be really and bona fide let at the Time the said Canal Company shall be required to purchase them, then such Arbitrators, or such Umpire, shall not have the Power of awarding or setting them at a less yearly Value than they shall be then let for, but shall and may have the Power of awarding or setting them at a greater yearly Value, if they the said Arbitrators, or such Umpire, shall think them worth more.

On Satisfaction being made or tendered, the Lands vested in the Company.

XXIV. And be it further enacted, That immediately on Payment of the Sum or Sums of Money, or on giving such Security as the said Commissioners shall approve for Payment of any Annual Rent as shall be contracted or agreed for between the Parties, or determined or assessed as aforesaid, for the Purchase of any Lands, Grounds, or other Hereditaments as aforesaid, to the

Proprietors thereof, or other Persons entitled to receive such Money or Rent respectively, or legal Tender thereof made to such Proprietors or Persons, or to the principal Officer of any such Body Politick, Corporate, or Collegiate, or if any such Proprietors or Persons cannot be found or ascertained, or shall refuse to accept such Money, or the Security for such Rent, then upon Payment or Delivery thereof to such Person or Persons as the said Commissioners shall by Writing under their Hands appoint, for the Use of and to be paid or delivered upon Demand, without Fee or Reward, to such Proprietors or Persons respectively as aforesaid, such Lands, Grounds, or other Hereditaments, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand whatsoever, in Law or Equity, of the Person or Persons for whose Use such Money or Rent shall be paid or secured as aforesaid, into and out of the same, shall vest in the said Canal Company, and they shall be deemed in Law to be as in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Person having any Estate in the Premises had actually conveyed the same to them by Lease and Release, Feoffment with Livery of Seisin, Fine and Recovery, or any other legal Conveyance whatsoever; and such Payment or Security shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whose Use the same shall be made or granted, but also the Dower of the Wife of every such Person, and all Estates Tail, and other Estates and Interests, in Possession, Reversion, Remainder, or otherwise, therein, as fully and effectually as a Fine and Recovery, or either of them, would do if levied or suffered by all the proper Parties in due Form of Law: Provided always, That before such Payment, Security, or Tender as aforesaid, it shall not be lawful for the said Canal Company to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security, for the Purpose of making the said intended Canal, or any Part thereof.

Purchase Money paid in Trust to be laid out to the same Uses.

XXV. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, or Persons acting as Guardians, Committees, or Trustees for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other

Cestuique Trusts, or to any Person or Persons whose Lands or Estates are limited in strict Settlement, for the Purchase or Exchange of, or Damage to be done to any Lands, Grounds, or other Hereditaments, by virtue of the Powers herein-before or herein-after contained, where the same shall exceed the Sum of Twenty Pounds, shall be laid out as soon as conveniently may be by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons aforesaid, in the Purchase of Lands, Tenements, or Hereditaments in Fee Simple, to be conveyed to or to the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or such other Person or Persons as aforesaid, and for such Estates, and to, for, or subject to such Uses, Trusts, Limitations, Remainders, and Contingencies as the Lands, Grounds, or other Hereditaments, for or in respect whereof such Money shall be paid as aforesaid, were limited, settled, and assured at the Times such Money was so agreed for, ascertained, or assessed as aforesaid, or for such and so many of such Uses as shall be then existing or capable of taking Effect, such Conveyances and Settlements to be made at the Expence of the said Canal Company; and in the mean Time, and until such Purchase shall be made, the said Money, as also such other Sum or Sums of Money to be paid as aforesaid, as shall not exceed Twenty Pounds, shall be placed out by such Bodies Politick, Corporate or Collegiate, Corporations Aggregate or Sole, or other Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Persons to be nominated by the Party or Parties interested therein, and to be approved of by the said Commissioners, and as well the Interest arising or to be produced from such Funds or Securities, as also the Annual Rent of all such Lands, Grounds, or other Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid to such Person or Persons respectively as would for the Time being be entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, in case the same were purchased and settled pursuant to the Tenor and Meaning of this Act, and that the said Commissioners may and are hereby impowered to settle what Shares and Proportions of such Purchase Money, or Recompence for Damages as aforesaid, shall be allowed to any Tenant, Tithe Owner, or other Person having a particular

ticular Estate, Term, or Interest in the Premises, for his or her Interest therein.

Purchase Money for mortgaged Lands, may be paid to the Mortgagees.

XXVI. And be it further enacted, That in case any Lands to be purchased by the said Canal Company, for the Use of the said Canal, shall be subject to any Mortgage or Mortgages, or any other Incumbrance, the Money to be paid for the Purchase thereof shall be paid to the Mortgagee or Mortgagees, or other Person for whose Benefit the same was made, in Discharge of so much of the Principal as the same shall amount to, so as the Amount of the said Purchase Money does not exceed the Sum charged upon the said Land, and the Interest due in respect thereof, and upon Payment thereof the Mortgagee or Mortgagees, and such other Persons as aforesaid, shall join in the Conveyance thereof to the said Canal Company, who shall hold the same freed and discharged from all such Incumbrances.

Disposal of Purchase Money for Lands in Mortgage with another Estate.

XXVII. Provided always, That where Two Estates are under Settlement to the same Uses and Trusts, and One of such Estates shall be subject or liable to any Mortgage or other Incumbrance, and the said Canal shall be cut through the other of such Estates only, or any Part thereof, then it shall and may be lawful for the Person or Persons interested in such Estates in Possession, to cause the Money which shall be paid by the said Canal Company as aforesaid to be applied in Discharge of such Mortgage or other Incumbrance so far as the same will extend.

In Default of Payment of yearly Rents, &c. the Tonnage Rates to become Security.

XXVIII. And be it further enacted, That in Default of Payment of such yearly Rent, or such other Sum or Sums of Money, and at such Time and in such Manner as shall be agreed upon, determined, or assessed, and awarded, for Damages of any Kind, by virtue of this Act, it shall be lawful for the said Commissioners to appoint One or more Person or Persons (from whom the said Commissioners shall take such Security as they shall think sufficient), to collect and receive the Rates by this Act imposed, and thereout, in the First Place, to pay all such yearly Rents, or such Recompence for Damages as aforesaid, with the Costs (if any) occasioned by such Default of Payment, together with legal Interest, to be computed from the Time when such yearly Rents shall have become due, or such Recompence for Damages shall be awarded, and also the Costs and Expences of collecting and receiving the said Rates; and every Person so appointed shall be deemed a Collector of the said Rates, and shall have the like Powers and Authorities for collecting the same, as if he had been appointed a Collector

of the said Rates by the said Canal Company, until such Annual Rents or Sums of Money, with the Costs and Charges of collecting and receiving thereof, shall be paid; and the Money so to be collected or received by such Person or Persons shall and is hereby declared to be as so much Money received to the use of the Person or Persons who shall be entitled to receive such yearly Rents or Recompence for Damages as aforesaid, in order and course respectively as they shall be entitled to receive the same; and after such yearly Rents, Recompence for Damages, Interest, Costs, and Charges shall be paid and satisfied, the Power and Authority of every such Collector of the said Rates, to be appointed by the said Commissioners as aforesaid, shall cease and determine; or otherwise, such Party or Parties entitled to such yearly Rents or Sums of Money may sue for and recover the same from the said Canal Company, with full Costs of Suit, by Action at Law, in any of His Majesty's Courts of Record at Westminster; or otherwise, it shall be lawful for such Person or Persons, and he and they is and are hereby impowered to seize and distrain any Boats, Vessels, or other Goods or Effects of the said Canal Company, which shall be found on the said Canal, or in, upon, or about the Wharfs, Quays, Warehouses, or other Works belonging thereto, and to detain the same until Payment thereof, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Five Days after such Distress made, and Notice thereof given in Writing, by affixing such Notice on some publick Place at any of the Wharfs or Quays belonging to the said Canal Company, then such Boats, Vessels, or other Goods or Effects so distrained shall and may be appraised and sold in such Manner as the Law directs in Cases of Distress for Rent.

Cut may be made to *Berkeley*.

XXIX. And be it enacted, That a Branch or Collateral Cut of the same Breadth and Depth as the other Parts of the said Canal shall be cut and made, and after the same is made, shall be kept in Repair by the said Canal Company, at their Expence, from such Part of the said Canal to or near such Part of the Town of Berkeley as shall hereafter be fixed upon by the Right Honourable Frederick Augustus Earl of Berkeley, or his Heirs, within One Year from the First Day of July One thousand seven hundred and ninety-three, (the Consent of the Land Owners and Occupiers through whose Land such Branch or Collateral Cut shall be made being First had and obtained), and in case the said Frederick Augustus Earl of Berkeley, or his Heirs, shall not fix upon the

Line or Course of such Branch or Collateral Cut within the Time aforesaid, then that such Branch or Collateral Cut shall be cut and made in the Line or Course described in the Map or Plan and Book of Reference herein-before mentioned, to be signed by the said Thomas Pearce, James Croome, Francis Welles, and Thomas Commeline, (the Consent of the Land Owners and Occupiers through whose Lands such Line or Course is delineated on the said Plan being already had and obtained), so as the said Branch or Collateral Cut shall not exceed Five hundred Yards in Length, and that the said Canal Company shall from Time to Time supply the same with Water, to be kept upon a Level, or as high as and of the same Depth with the Water of the said Canal, and also that the said Canal Company shall erect and make, and from Time to Time keep in proper Order and Repair a proper Wharf or Landing Place at the End of such Branch or Collateral Cut, next to the Town of Berkeley, at such Place as shall be fixed upon for that Purpose by the said Earl of Berkeley, or his Heirs, within the Time last aforesaid, at their own Expence; and that the said Canal Company shall take no Sum or Sums of Money from any Person or Persons landing or placing any Goods, Coals, Wares, or Merchandizes on the said Wharf, but that the Owner or Proprietor of the Land on which the said Wharf is made shall be entitled to receive all and every Sum and Sums of Money to be paid for the said Wharfage; and the said Canal Company are hereby impowered to receive and take a Sum not exceeding Three-pence per Ton for Coals, and One Shilling per Ton for all other Goods, Wares, and Merchandizes, which shall be carried to, from, or between Berkeley Pill and the Town of Berkeley, along the said Branch or Collateral Cut, and by and through any Lock or Locks which may be erected upon the said Collateral Cut or Branch, or between the same and the River Severn at Berkeley Pill aforesaid, as and for a Compensation to the said Canal Company for the Expence they shall be put to in cutting the same, which said Collateral Cut shall be deemed Part of the Canal or Navigation to be made and maintained by virtue of this Act; provided that in case any Ships, Boats, or other Vessels shall enter the said Canal at Berkeley Pill, under Pretence of going with their Lading or Cargoes to or towards Berkeley, but instead thereof shall proceed up the said Canal further or higher towards Gloucester than the said Collateral Cut or Branch, or if any Ships, Boats, or other Vessels, shall be unladen upon the said Branch or Collateral Cut, and the Goods or any Part thereof so unladen

shall

shall be reshipped into the same, or any other Ships, Boats, or Vessels, and taken up any Part of the said Canal towards Gloucester, then and in every such Case the Owners of such Ships, Boats, or other Vessels, shall pay to the said Canal Company the same Rate of Tonnage as they would have paid or been liable to pay if they had entered the said Canal at Berkeley Pill, and had proceeded to Gloucester; and it shall be lawful for the said Canal Company, in such Cases, to seize and detain such Ships, Boats, and other Vessels, and the Cargoes thereof, until such Tonnage shall be paid.

Mines, &c. reserved to Lords of Manors or other Proprietors.

XXX. Provided always, and be it further enacted, That nothing herein contained shall extend to defeat, prejudice, or affect the Right of any Lord or Lords of any Manor, or of any Owner or Owners of any Lands or Grounds, in, upon, or through which the said intended Canal, or any Towing Paths, Wharfs, Quays, Trenches, Sluices, Passages, Watercourses, or Conveniences aforesaid shall be made, to the Mines and Minerals lying and being within or under the Lands or Grounds to be set out or made use of as aforesaid, but all such Mines and Minerals are hereby reserved to the Lord or Lords of every such Manor, and to such Owner or Owners of such Lands or Grounds respectively, and that it shall be lawful for the Lord or Lords of such Manor, and for the Owner or Owners of such Lands or Grounds respectively, (subject to the Conditions and Restrictions herein contained), to work, get, drain, take, and carry away, to his and their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing the said intended Canal, Towing Paths, Wharfs, Quays, Trenches, Sluices, Watercourses, or other the Conveniences aforesaid, or any of them.

Company to make Drains, &c.

XXXI. And to the End that the said Navigation may be carried on with as little Damage to private Property as may be, be it further enacted, That the said Canal Company shall and are hereby required, at their own proper Costs and Charges, to take off the Top Earth or Mould, as deep as such Top Earth or Mould goes, the whole Breadth of the Canal, and also as far on each Side as the Banks will cover the Surface, and wheel such Top Earth or Mould beyond the Outside of the Soil thrown out of the Bottom of the said Canal, and when the Banks are formed and sloped, shall cause all such Top Earth or Mould to be wheeled and spread over the Tops of such Banks, in a proper and workmanlike Manner, and also to make or cause to be made such Arches, Tunnels, Drains, Culverts, or other Passages for

for Water, over, under, or into the said intended Canal, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof, of such Depth and Breadth as shall be sufficient at all Times to convey the Water from the Lands adjoining or lying near to the said intended Canal, without obstructing or impeding the same, and likewise to make or cause to be made such Back Drain or Drains, Ditch or Ditches, as the Owners or Occupiers of the said respective Lands should deem necessary, and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said intended Canal, to the Prejudice of any of the Lands or Grounds contiguous thereto, such Ditches to be of the Depth of Four Feet at the least from the now Level of the Lands, and of the Width of Three Feet at the least, and the said Canal Company making Satisfaction for the Ground so used for the same, to be ascertained in Manner herein-after mentioned, and that all such Arches, Tunnels, Drains, Ditches, Culverts, and other Passages, shall from Time to Time be supported, maintained, and kept in good and sufficient Repair by the said Canal Company; and if at any Time or Times, after One Calendar Month's Notice shall be given in Writing, by or on Behalf of the Owner or Occupier, Owners or Occupiers, of any Land contiguous or adjoining to the said Canal, who shall find him, her, or themselves aggrieved by the Obstruction of the said Watercourses, to any One of the *Committee* to be appointed by virtue of this Act, or to some known Agent to the said Canal Company, or some Collector of the said Rates, that the said Arches, Tunnels, Drains, Ditches, Culverts, or other Passages are not made, cleansed, and repaired and maintained according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons, having an Order in Writing for that Purpose from the said Commissioners, from Time to Time, as often as there shall be Occasion, to make, cleanse, and repair such Arches, Tunnels, Drains, Culverts, or other Passages, and the reasonable Expences thereof (to be ascertained by the said Commissioners) shall be defrayed by the said Canal Company; and in case of Refusal or Neglect to pay the same for the Space of Three Calendar Months after Demand thereof made from such Agent or Collector as aforesaid, such Expences shall and may be recovered and levied in such Manner as the Costs and Charges of making and erecting Bridges and other Works by the Owners or Occupiers of Lands are by

this Act directed and appointed to be recovered and levied, with full Costs of Suit.

For fencing off Towing Paths.

XXXII. And be it further enacted, That the said Canal Company shall and they are hereby required, at their own proper Charges, after any Land shall be taken for the Use of the said intended Canal and Towing Paths, to divide and separate, and keep constantly divided and separated, the Towing Paths on the Sides of the said intended Canal, and the Trenches, Feeders, or Passages hereby authorized to be made, or such Parts of such Trenches, Feeders, or Passages as shall be found necessary by the said Commissioners, in case there shall be any Dispute about the same, from the Lands or Grounds adjoining to such Towing Paths, Trenches, Feeders, or Passages, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, to be set or made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in them as aforesaid, and shall, at their own Costs and Charges, from Time to Time maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Mounds, and other Fences so made as aforesaid, and the said Canal Company shall also, at their own Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates and Stiles in and through the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid, and also such Bridges for the Accommodation of Estates, Arches, Culverts, Drains, and Passages, over, under, by the Side of, or into the said intended Canal, and the Feeders, Trenches, and Aqueducts communicating therewith, and the Towing Paths on the Sides thereof, of such Dimensions and in such Manner as the said Commissioners shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, and also make proper and convenient Watering-Places for Cattle, where, by Means of the said intended Canal, or any other the Works hereby authorized to be made, Cattle shall have been deprived thereof, and at all Times supply the same with Water, for the Use of the Owners and Occupiers of the Lands, Grounds, or Hereditaments adjoining to such intended Canal, Feeders, Trenches, Aqueducts and Towing Paths, or any of them respectively, and that the said Canal Company shall not make the said intended Canal, or any Feeder, Trench, or Watercourse, in or across any common Highway, until they shall, at their own proper Charges, have made and perfected Bridges over

the same of the Breadth of Twelve Feet, with proper Fences on each Side, not in or across any publick or Bridle Way, or Foot Path, until they shall, at their own proper Charges, have made and perfected such Bridges, Passages, or Arches across such Canal, and of such Dimensions, and in such Manner, as the said Commissioners shall judge proper; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniencies to be made by the said Canal Company for the Purposes aforesaid, shall from Time to Time be by them supported, maintained, and kept in sufficient Repair; and in case the said Canal Company shall refuse or neglect to make, erect, and set up such Fences on the Sides of the said Towing Paths or Banks, and also such Gates and Stiles in and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, or other Passages, over, under, or by the Side of or into the said intended Canal, and the said Trenches, Streams and Watercourses as aforesaid, or to make such Watering Places for Cattle as herein directed, or to repair, maintain, and support such Gates, Stiles, Bridges, Passages, Arches, Culverts and Watering Places, when erected, set up, and made, of such Dimensions, and in such Manner as aforesaid, for the Space of Six Calendar Months next after the Time to be appointed for those Purposes by the said Commissioners; or after Notice shall be given by or on the Behalf of the Owners or Occupiers of any such Lands, Grounds, or Hereditaments, who may be aggrieved by any such Refusal or Neglect, it shall be lawful for any such Owners or Occupiers to make, erect, or set up such Fences, Gates, Stiles, Bridges, Passages, Arches, Culverts, Watering Places, and other Conveniences as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining the Works aforesaid, the said intended Canal, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, shall not be stopped or injured for any longer Space of Time, or in any other Manner than is absolutely necessary for the doing thereof, and all the reasonable Expences thereof (to be settled and allowed by the said Commissioners) shall be paid to such respective Owners or Occupiers as aforesaid, by the said Canal Company, within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand shall have been delivered and made thereof, and in Default of such Payment the said Commissioners shall and they are hereby required,

In case Commissioners do not fence off the Towing Paths and make Bridges, Land Owners may do it at the Company's Expence.

required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the said Canal Company, and to be paid to such respective Owners or Occupiers as aforesaid, rendering to the said Canal Company, or to some of their Agents, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale; or otherwise, such Owners or Occupiers respectively shall and may sue for and recover the same from the said Canal Company by Action of Debt or on the Case, in any of his Majesty's Courts of Record at Westminster, with full Costs of Suit.

Land Cut for the Canal to be fenced off to prevent Accidents to Cattle.

XXXIII. And be it further enacted, That in order to protect the Cattle of the Owners or Occupiers of the several Lands through which the said intended Canal shall pass from any Danger or Accident to which they might otherwise be liable during the Time such Canal is forming, and also to prevent Trespasses being committed upon the Lands of such Owners or Occupiers, the said Canal Company shall, and they are hereby required, at their own proper Charges, within Four Days after they shall begin to cut any Lands which shall have been taken for the Use of the said intended Canal, properly to fence off the Land to be taken for the Use of the said intended Canal, with good Hurdles or other substantial Fences, and in case the said Canal Company shall neglect so to do within the Time aforesaid, it shall and may be lawful for the Owners or Occupiers of such Lands respectively to make such good and substantial Fences at the Expence of the said Canal Company, such Expence to be recovered by Action in any of his Majesty's Courts of Records at Westminster, with full Costs of Suit.

Company may cleanse the adjoining Watercourses at the Land Owners Expence.

XXXIV. And be it further enacted, That in case at any Time the Ditches and Drains belonging to the Owner or Occupier of any Lands adjoining or lying contiguous to the said intended Canal shall not be sufficiently open for the free Passage of the Water from the Drains, Weirs, Culverts, and Passages belonging to the said intended Canal, and the same shall not be remedied within One Month after Notice for that Purpose given to such Owner or Occupier by the Clerk to the said Canal Company, it shall be lawful for the said Canal Company, having an Order in Writing for that Purpose from the said Commissioners, as often as there shall be Occasion, to cause to be opened and cleansed the said Ditches and Drains as aforesaid, and the reasonable Expences thereof (to be ascertained and allowed by the said Commissioners) shall be repaid to the said Canal

Canal Company by such Owner or Occupier, provided such Owner or Occupier be not thereby obliged to dig his Ditches or Drains wider or deeper, or more frequently, than for the Purposes of good Husbandry he ought to have done in case this Act had not been made; and in case of Refusal to satisfy the same for the Space of Three Months after Demand made thereof, the same shall and may be recovered in such Manner as any Penalties are herein directed to be recovered.

Differences between the Company and any Land Owners to be settled by Arbitrators.

XXXV. Provided always, and be it further enacted, That in case the several Owners of Land through which the said intended Canal shall pass, or any of them, or any other Person or Persons, shall sustain any Damage or Inconvenience by or in consequence of any Thing done in pursuance of this Act, or by the Neglect or Omission of any Thing by this Act required to be done or performed, and any Difference or Disagreement shall arise on Account thereof between such Owner or Owners, Person or Persons, and the said Canal Company, or in any of the Respects aforesaid (other than and except in directing and appointing the Manner and Places in which Bridges shall be erected over and across the said Canal); and such Owner or Owners, Person or Persons, shall be inclined to settle the same by Arbitration, in lieu of the Mode herein-before appointed for the settling of Differences, such Disagreement or Difference shall be referred to Three Arbitrators, One to be appointed by such Owner or Owners of Land, or other Person or Persons as aforesaid, another by the said Canal Company, or the Committee of the said Canal Company for the Time being, and the Third by the Two Arbitrators so before appointed as aforesaid, within Fourteen Days after Notice in Writing to be given by either Party for that Purpose; and in case of the Death or Incapacity to act of any or either of the said Arbitrators, another shall be appointed in his Stead, by the Party by whom or on whose Behalf he was so appointed, or by the other Arbitrators, as the Case shall happen, and so from Time to Time as often as the Case shall happen, and the said Arbitrators, or any Two of them, shall and are hereby authorized and impowered, by Examination of Witnesses upon Oath (which Oath the said Arbitrators are hereby impowered to administer), and by such other Ways and Means as they shall think proper, to hear, settle, and determine the Matter in Question, and to make their Award therein, by Writing under their Hands and Seals, or under the Hands and Seals of any Two of them, and in case either of the said Parties shall not appoint an

Arbitrator for the Purposes aforesaid, within Fourteen Days after being thereunto required by Writing to be delivered to the Party on whose Behalf any Arbitrator shall not have been appointed as aforesaid, within the Time or Times herein-before limited for that Purpose, or if the Arbitrator appointed by or on Behalf of either of the said Parties shall refuse or neglect to act in the Premises, so that the Matter in Dispute shall not be settled and determined within such Fourteen Days, then such Matter may be settled and determined as soon as conveniently may be by the Arbitrator appointed by or on Behalf of the other of the said Parties, and the Determination to be had and made by such One Arbitrator, as herein-before directed, shall be final and binding upon both Parties; but if the Two Arbitrators shall have so far acted as to have named an Umpire, and either of such Arbitrators shall neglect or refuse to act any further, then, and in such Case, the Matter may be settled and determined, as soon as conveniently may be, by the Arbitrator who shall not decline to act and such Umpire, and the Determination to be had and made by such One Arbitrator and such Umpire shall be final and binding upon both Parties; and the said Canal Company shall and they are hereby directed to bear and pay all such Costs and Charges as shall be incurred in and about such References, and the making of such Awards as aforesaid.

Lords of Manors and Land Owners may build Warehouses on their Lands.

XXXVI. Provided always, and be it further enacted, That the Lord or Lords of any Manor, and the Owner and Owners of any Lands or Grounds near to, through, or by which the said intended Canal shall be made, may erect and use any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, in or upon the respective Lands, Grounds, or Wastes, adjoining or near to the said intended Canal, with necessary Roads and Ways to the same, and may land Goods or other Things upon such Wharfs, Quays, and Landing Places, or upon the Banks lying between the same and the said intended Canal; and also may make and use proper and convenient Places for Boats, Barges, and other Vessels to lie in, turn, and pass by each other, without the Molestation or Hindrance of the said Canal Company, and so that the making or using thereof do not obstruct or prejudice the Navigation of the said intended Canal, or any Towing Path on the Sides thereof; and all Rates that shall be paid for the Use and Benefit of the said Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively,

shall be deemed the Property of the Owner or Owners of such Lands or Grounds respectively.

If not done within a limited Time the Company may build thereon.

XXXVII. Provided always, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Calendar Months next after Notice given in Writing to him, her, or them, by or on Behalf of the said Canal Company, that any Part of such Lands, Grounds, or Wastes is necessary or proper to be used for the Purpose of erecting Wharfs, Warehouses, and Buildings, for the Use of the said Navigation, or for making and laying out necessary and convenient Roads for the Conveyance of Goods to and from the said intended Canal, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair such proper and sufficient Wharfs, Warehouses, Buildings, and Roads, for the Use of the said Navigation, as the said Commissioners shall think necessary, on the respective Parts of the Lands or Grounds comprised or described in such Notice, then the said Canal Company shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of any such Lands, Grounds, or Wastes, for erecting and building proper and sufficient Wharfs, Warehouses, and Buildings, and making and laying out necessary and convenient Roads to and from the said intended Canal, agreeable to such Notice as aforesaid, first making Satisfaction for the same in such Manner as is directed with respect to other Lands or Grounds which shall be taken or used for the Purposes of this Act.

Regulations as to private Wharfs.

XXXVIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or impower the said Canal Company, or any other Person or Persons, to make Use of any Wharf, Quay, Landing Place, Crane, Weigh Beam, or Warehouse, which shall be set out, erected, or made by the Lord or Lords of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said intended Canal, for his, her, or their private Use only, nor to set up, erect, repair, or use any Cranes or Weighing Machines in or upon any such Wharf, Quay, or Landing Place, and that no more than the Sum of One Penny a Ton shall be demanded or taken by any such Lord or Lords, Land Owner or Land Owners, who shall or may erect or build any Wharf or Quay, or make or lay out any Roads to and from the said intended Canal, in pursuance of the Notice to be given by or on Behalf of the said Canal Company, to such Lord or Lords, Owner or

or Owners, for that Purpose, as aforesaid, for the Wharfage of Coals, Lime, Lime Stone, Clay, Iron, Iron Stone, Timber, Stone, Brick, Tile, Slate, or Gravel, not more than Two-pence a Ton for the Wharfage of any other Goods or Things, where the same shall be respectively placed and remain upon any such Wharfs or Quays, and shall not continue thereupon for a longer Space of Time than Six Days, except Coal, Iron, and Lime Stone, which may remain thereupon for Three Months, and Timber, Clay, Lime, Iron Stone, Stone, Brick, Tile, Slate, or Gravel, which may remain Thirty Days, upon Payment of the said One Penny, or Two-pence per Ton: Provided nevertheless, that in case any of the said Articles shall be left and remain in or upon such Wharfs or Quays for the Space of Ten Days over and above the Time limited hereby, then the Owners of such Articles shall pay to the Proprietors of such Wharfs or Quays One Penny per Ton per Day for the Time such Articles shall remain upon such Wharfs or Quays after the Expiration of the said Ten Days: Provided always, that it shall be lawful for the said Canal Company to erect, repair, and use any Cranes or Weighing Machines upon such Wharfs or Quays last-mentioned, for the more convenient loading, and unloading and weighing of any such Goods or Things, in case the Proprietors of such Wharfs or Quays shall neglect or refuse to make and erect the same within Three Calendar Months after they shall have received Notice in Writing for that Purpose from the said Canal Company, or when so erected neglect or refuse to keep the same in Repair.

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

XXXIX. Provided also, and be it further enacted, That the Lord and Lords of all and every Manor or Manors through which the said intended Canal shall be made, shall have and be entitled to the exclusive Right of Fishery of and in so much of the said intended Canal, Trenches, and Sluices as shall be made over and through the Common or Waste Lands within his, her, or their Manor or Manors respectively; and that the Owner or Owners of all other Lands or Grounds through which the said intended Canal shall be made, shall also have and be entitled to the exclusive Right of Fishery of and in so much of the said intended Canal, Trenches, and Sluices as shall be made in, over, or through his, her, or their Lands or Grounds respectively, so as in the Use and Exercise of the said Rights of Fishery the said intended Canal, Trenches, or Sluices, and the Towing Paths, Banks, or other Works and Conveniences hereby authorized

thorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said intended Canal, Trenches, or Sluices, and so as the said Canal Company, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by Reason of the taking or destroying of any Fish in the said intended Canal, Trenches, or Sluices, which shall be taken, killed, or destroyed through or by Means of the letting off the Water out of the said intended Canal, Trenches, or Sluices, for or upon Account of Repairs of Works to be done in or about the same.

Power for Land Owners to use Pleasure Boats.

XL. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said intended Canal to use any Pleasure or Farming Boat or Boats upon the said intended Canal, (not passing through any Lock, unless they shall first pay a Tonnage equal to a Boat or Vessel carrying Twenty Tons, or obtain the Consent of the said Canal Company), without any Interruption from the said Canal Company, or any of their Officers or Agents, and without paying any Rate for the same, but such Pleasure or Farming Boats shall not be made use of for carrying any Goods or other Things, except Materials and Implements in Husbandry from One Farm to another, or from One Part of a Farm to another, such Farm or Parts of a Farm belonging to One Person, or in the Occupation of One Tenant only, and so as the same shall not obstruct or prejudice the Navigation of the said intended Canal, or the Towing Paths on the Sides thereof.

Proprietors to raise Money amongst themselves for making the Canal and other Works.

XLI. And be it further enacted, That it shall be lawful for the said Canal Company to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing the said intended Canal, Feeders, Quays, Wharfs, and other Works and Conveniencies, not exceeding in the Whole the Sum of One hundred and forty thousand Pounds, (except as herein-after mentioned), and that the same shall be divided into such Number of Shares as herein directed, and that no Person subscribing thereto, or becoming a Proprietor in such Navigation, do become a Proprietor of less than One Share, or of more than Thirty Shares, either in his or her own Name, or in the Name or Names of any other Person or Persons in Trust for him or her, (unless the same shall come to him or her by Will, Devise, or Act of Law), upon Pain of forfeiting to the said Canal

Company all such Shares exceeding Thirty Shares as aforesaid, and the Money so to be raised is hereby directed and appointed to be laid out and applied, in the First Place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all necessary Expences preparatory and relating thereunto, and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said intended Canal, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

The Money to be divided into Shares of 100 *l.* each.

XLII. And be it further enacted, That the said Sum of One hundred and forty thousand Pounds, or such Part thereof as shall be raised by the several Persons herein-before named, or by any other Person or Persons, Bodies Politick or Corporate, who shall or may become a Subscriber or Subscribers to the said Navigation, shall be divided into One thousand four hundred equal Shares or Parts, at a Price not exceeding One hundred Pounds per Share, and that the said One thousand four hundred Shares shall be and are hereby vested in the several Persons so subscribing the same, and their respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they shall severally subscribe and pay thereunto; and all and every the said Shares shall be deemed Personal Estate, and transmissible as such, and not in the Nature of Real Property; and all Bodies Politick and Corporate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said intended Navigation, shall be entitled to and receive, after the said Navigation shall be completed, the entire and neat Distribution of One One thousand four hundredth Part of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Canal Company, by the Authority of this Act, and so in Proportion for any greater Number of Shares; and every Body Politick or Corporate, Person or Persons, having such Property of One One thousand four hundredth Part, or One Share, in the said Undertaking, and so in Proportion for any greater Number of Shares as aforesaid, shall bear and pay a proportionable Sum

towards carrying on the said Undertaking in Manner herein directed and appointed.

Subscribers to have a Vote for every Share.

XLIII. And be it further enacted, That every Body Politick or Corporate, or other Person, who shall by virtue of this Act have subscribed or undertaken for One Share of the said Navigation, and their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor for every such Share, and shall have a Vote in the General and Special Assemblies to be held as herein appointed for carrying on the said Undertaking, but no Proprietor shall have more than Fifteen Votes, although he may have a greater Number of Shares, which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxy constituted under the Seal of such Body Politick or Corporate, or the Hand and Seal of such other Person, (every such Proxy being a Proprietor in the said Undertaking), and every such Vote by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed, discussed or considered in any General or Special Assembly of the said Canal Company, shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every such Share not exceeding Fifteen as aforesaid: Provided nevertheless, that no Person shall act as a Proxy for more than Five absent Proprietors, and that every Question, Matter, or Thing which shall be proposed, discussed, or considered in any publick Assembly of the said Canal Company shall be finally determined by the Majority of Votes and Proxies then present, the Appointment of which Proxies shall or may be made according to the Form following:

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

XLIV. And

XLIV. And be it further enacted, That in case the said Sum of One hundred and forty thousand Pounds hereinbefore authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said intended Canal, and other the 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 said Canal Company to raise and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Sixty thousand Pounds; and every Body Politick or Corporate, or other Person, being a Subscriber towards raising such further Sum of Money, shall be a Proprietor in the said Undertaking, and have a like Vote by themselves, himself, or herself, or their, his, or her Proxy, in respect of every Share in the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits of the said Navigation, in Proportion to the Sum they, he, or she shall or may subscribe thereunto, 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 One hundred and forty thousand Pounds.

Proprietors may raise an additional Sum of 140,000 *l.* if necessary.

XLV. Provided always, That in case the said Canal Company, or the Committee for the Time being to be appointed by virtue of this Act, shall be desirous of raising the said Sum of Sixty thousand Pounds herein-before authorized to be raised, or any Part thereof, by Mortgage of the said Undertaking, it shall be lawful for the said Canal Company, or the said Committee, to borrow and take up at Interest all or any Part of the said Sum of Sixty thousand Pounds on the Credit of the said Navigation and Undertaking, as to them shall seem meet and convenient, and to assign the Property of the said Navigation, and the Rates arising or to arise to the said Company by virtue of this Act, or any Part thereof (the Costs and Charges of assigning the same to be paid out of such Rates) as a Security for any such Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustees, who shall advance the same, all which said Assignments shall be made under the Common Seal of the said Company, according to the Form following; (that is to say),

Powers to raise Money by Mortgage.

Form of Assignment.

BY virtue of an Act of Parliament, made in the Thirty-third Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of the Act*]; we, the Proprietors of the ſaid Navigation, incorporated by and under the ſaid Act, in Conſideration of the Sum of to us in Hand paid by *A. B.* of do hereby bargain, ſell, and aſſign unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, the ſaid Navigation, and all and ſingular the Rates ariſing and payable to us by virtue of the ſaid Act, and all our Eſtate, Right, Title, and Intereſt of, in, and to the ſame, to hold unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of together with Intereſt for the ſame, after the Rate of for every One hundred Pounds for a Year, ſhall be fully paid and ſatisfied.

Given under our Common Seal, this Day of

And all Perſons to whom ſuch Aſſignments ſhall be made, ſhall be equally entitled, One with the other, to their Proportions of the ſaid Rates and Premiſes, according to the reſpective Sums in ſuch Aſſignments mentioned to be advanced, without any Preference by Reaſon of Priority of any ſuch Aſſignments, or on any other Account whatſoever, and the Monies ſo borrowed ſhall be applied for and towards the making, maintaining, and completing the ſaid Navigation, and other Works hereby authorized to be made, and in carrying the ſeveral Powers, Proviſions, and Authorities herein contained into effectual Execution; and a Memorial of every ſuch Aſſignment, containing the Date, Name or Names of the Perſon or Perſons to whom made, the Sum of Money borrowed, and Rate of Intereſt, ſhall be entered in a Book to be kept by the Clerk to the ſaid Canal Company, which ſaid Books ſhall and may be peruſed at all ſeaſonable Times by any of the Proprietors or Creditors to the ſaid Navigation, or other Perſons intereſted therein, without Fee or Reward; and the Perſon or Perſons to whom any ſuch Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the Money due thereon, ſhall and may, from Time to Time, transfer his, her, or their Right or Intereſt therein to any Perſon or Perſons, by Writing under his, her, or their Hand and Seal or Hands and Seals, according to the Form following:

Aſſignments to be entered;

and may be transferred.

Form of Transfer.

I *A. B.* of in Conſideration of the Sum of paid by *C. D.* of do

do hereby transfer a certain Mortgage made by the *Glouceſter* and *Berkeley* Canal Company, to bearing Date the Day of for ſecuring the Sum of and Intereſt, and all my Right and Property therein, to the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns. Dated this Day of

And every ſuch Transfer ſhall, within Twenty-eight Days after the Date thereof, be produced to the Clerk of the ſaid Canal Company, who ſhall cauſe a Memorial to be made thereof in like Manner as of the original Aſſignments, for which the ſaid Clerk ſhall be paid the Sum of Two Shillings, and after ſuch Entry made, every ſuch Transfer ſhall entitle ſuch Aſſignee, his or her Executors, Adminiſtrators, and Aſſigns, to the full Benefit thereof, and it ſhall not be in the Power of any Perſon or Perſons, who ſhall have made ſuch Transfer, to make void, releaſe, or diſcharge the ſame, or the Money thereon due, or thereby ſecured, or any Part thereof.

Intereſt of Money borrowed to be paid in Preference to Dividends.

XLVI. And be it further enacted, That the Intereſt of the Money which ſhall be borrowed or raiſed by Mortgage as aforeſaid, ſhall be paid half-yearly to the ſeveral Perſons entitled thereto, in Preference to any Intereſt or Dividends due and payable by virtue of this Act to the ſaid Canal Company, or any of them, and ſhall from Time to Time be fully paid, diſcharged, or provided for before the yearly or other Intereſt or Dividends due to the ſaid Company, or any of them, ſhall be paid, made, or divided.

Aſſignees not to vote on Account of having lent Money.

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

General Aſſemblies to be held, and Committees appointed.

XLVIII. And be it further enacted, That the Firſt General Aſſembly of the ſaid Canal Company for putting this Act into Execution ſhall be held at the Booth Hall, in the City of Glouceſter, upon the Fourth Day of June One thouſand ſeven hundred and ninety-three, and all future General Aſſemblies of the ſaid Company ſhall be held upon the laſt Monday in March, and laſt Monday in September in every Year, at the Hour of Eleven in the Forenoon of the ſaid Days, at ſuch Place or Places, within the Counties of Glouceſter and Worceſter, and the City of Glouceſter, as

the said Proprietors at each next preceding Assembly shall appoint, at which said General Assemblies the Proprietors assembled, together with such Proxies as shall be then present, shall chuse Nine Persons, who for the Time being shall be respectively Proprietors of Five or more Shares in the said Navigation, who shall be a Committee to manage the Affairs of the said Canal Company in such Manner as is herein directed; and if at any Time it shall appear to any Five or more Proprietors possessed of Five Shares each, that for the more effectually putting this Act into Execution, or for any other Purposes, a Special Assembly of the Proprietors is necessary to be held, it shall be lawful for them to cause Notice to be given thereof in some Newspaper published in the said County of Gloucester, or in the County of Worcester, or in such other Manner as the said Canal Company shall at any General Assembly direct or appoint, declaring in such Notice the Place where and Time when such Special Assembly is to be held, the same not being less than Ten Days after such Notice given, and likewise specifying in every such Notice the Reason for and Intention of such Special Assembly; and the Proprietors are hereby authorized to meet pursuant to such Notice, and to proceed in the Execution of this Act, or in any Thing relating to the Interests of the said Canal Company, with respect to the Matters so specified only; and all such Acts of the said Proprietors, or the major Part of them assembled at such Special Assemblies, shall be as valid, to all Intents and Purposes, as if the same were done at General Assemblies held in Manner hereinbefore appointed; and that all the Powers and Authorities hereby vested in or directed to be exercised by the said Committee, may be done and exercised by the major Part of them present at their respective Meetings, the whole Number present not being less than Five.

Power to hold Special Assemblies.

Each Member of the Committee to have but One Vote, except the Chairman.

XLIX. Provided always, That no One Member of the said Committee, though he may be a Proprietor of several Shares, shall have more than One Vote in the said Committee, except the Chairman, who shall be chosen by and out of the said Committee, and who, in case of a Division of equal Number, shall have the Casting Vote, although he may have given One Vote before.

Committee to be under Controul of General Assemblies.

L. Provided also, That such Committee shall, from Time to Time, make Reports of their Proceedings to, and be subject to the Examination and Controul of the said General and Special Assemblies of the said Canal Company as aforesaid, and shall pay due Obedience to

all

all such Orders and Proceedings in and about the Premises, as shall from Time to Time be made by the said Canal Company, or any such General and Special Assembly, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

Disqualification of serving on Committee.

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

Books of Accounts to be kept.

LII. And be it further enacted, That proper Books of Accounts, and other Matters relating to the said Undertaking and Navigation, shall be kept, and that all such Books and other Matters shall be deposited and kept under the Directions of the Committee for the Time being, at such Place or Places as the said Canal Company shall from Time to Time direct; and every Proprietor, at all seasonable Times, shall have free Access to the same for his or her Inspection.

General and Special Assemblies to consist of a certain Number of Shares.

LIII. And be it further enacted, That if at any such General or Special Assembly there shall not be Persons present who shall have Three hundred Shares as aforesaid, either as Principals or Proxies, no Choice of a Committee shall be made at that Time, but in such Case there shall be a new Assembly of the Proprietors of the said Navigation, at the same Place, upon that Day Fortnight, and so from Time to Time, until the Proprietors of Three hundred Shares at the least shall be present, and such Choice shall be then made of Persons to be of the Committee, as ought to have been made on the Day for holding such General or Special Assembly, had there been a sufficient Number of Votes present, and the Persons then chosen to be of the said Committee shall have the same Power as they would have had, and shall continue in such Office until such Time as they would have done, had they been chosen on the Day for holding such General or Special Assembly; and in case of Failure of the Meeting of Persons having Three hundred Shares as Principals or Proxies at any such General or Special Assembly, all such Principals who shall not be present at any Adjournment thereof by themselves, or by his, her, or their Proxies, shall forfeit to the said Canal Company for every such Share which they shall respectively then have in the said Navigation, the Sum of Five Shillings, to be deducted out of the next Payment of Interest or Dividend of the Profit of the said Navigation, as the Case may happen.

Other Powers of General Assemblies and Committees.

LIV. And be it further enacted, That every such General Assembly, or such Committee as aforesaid, shall have Power to call for, audit, and settle all Accounts of Monies received, laid out, and disbursed on Account of the said Navigation, by the Treasurer, Receivers, and other Officers to be by them appointed, or any other Person or Persons whomsoever, employed by, or concerned for or under them, in and about the said Navigation, and for that or any other Purpose shall have Power to adjourn themselves from Time to Time, and from Place to Place, as shall be thought convenient; and every General Assembly, or such Committee as aforesaid, shall have Power from Time to Time to make such Call or Calls for Money from the Proprietors of the said Navigation, to defray the Expences of, or to carry on the same, as they shall from Time to Time find necessary for those Purposes, so that no such Call do exceed the Sum of Ten Pounds for every Sum of One hundred Pounds, and so as no Calls be made but at the Distance of Three Calendar Months at the least from each other; which Monies so called for shall be paid to such Person or Persons, and in such Manner as the said General Assembly or Committee shall from Time to Time appoint and direct, for the Use of the said Undertaking; and such Committee shall, until the next General Assembly to be holden in Manner as aforesaid, meet at such Times and Places, and from Time to Time adjourn themselves to such other Time and Place as they shall think fit; and in order to defray the Expences of the Meetings of the said Committees, it shall be lawful for the said Committees, and they are hereby allowed to expend, or to detain to themselves, a reasonable Sum of Money out of the Capital Stock and Rates of the said Proprietors, for their Expences in attending such Meetings; and the said Committees shall have Power and Authority to direct and manage all and every the Affairs of the said Canal Company, as well in buying and purchasing Lands and Materials for the Use of the said Navigation and other Works, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking; and every Owner of One or more Share or Shares in the said Undertaking shall pay his or her Share and Proportion of the Monies to be called for as aforesaid, at such Time and Place as shall be appointed, of which One Calendar Month's Notice at the least shall be given (except the First Call, which

which may be made on Ten Days Notice) by publishing the same in the Gloucester and Worcester Weekly Newspapers, or in such other Manner as the said Canal Company shall at any General Assembly direct and appoint; and if any Person shall neglect or refuse to pay his or her rateable or proportionable Part or Share of the said Money, to be called for by the First Call to be made by virtue of this Act, at the Time and Place appointed as aforesaid, it shall be lawful for the said Canal Company to sue for and recover the same in any of his Majesty's Courts of Record, by Action of Debt or on the Case; and if any Person shall neglect or refuse to pay his or her rateable or proportionable Part or Share of the said Money, to be called for after the First Call as aforesaid, at the Time and Place so appointed, he or she so neglecting or refusing shall forfeit the Sum of Five Pounds for every Share which he or she shall then be possessed of in the said Navigation and Undertaking; and in case any such Person shall neglect or refuse to pay his or her rateable or proportionable Part or Share of the said Money, to be called for as aforesaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof, at the Place so to be appointed for Payment thereof as aforesaid, then he or she so neglecting or refusing shall forfeit his or her Share or Shares, Part, and Interest in the said Navigation and Undertaking, and all the Profits and Benefits thereof, and all Money advanced by him or her, to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all such Forfeitures shall be sold at a publick Sale, by the said Canal Company, for the most Money they can get for the same, and the Produce thereof shall be equally divided among the Rest of the Proprietors, in Proportion to their respective Shares and Interest in the said Navigation and Undertaking.

Subscribers to have Notice before their Shares are forfeited.

LV. Provided always, That no Advantage shall be taken of the Forfeiture of any Share in the said Navigation and Undertaking, until Personal Notice in Writing be given by the Clerk or Treasurer to the said Canal Company to the Owner thereof, or left at his or her usual or last Place of Abode, nor unless the same shall be declared to be forfeited at some General Assembly of the said Canal Company which shall be held after such Forfeiture shall happen; and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor so forfeiting, against all Actions, Suits, or Prosecutions, for any Breach of Contract or other Agreement between such Proprietor so forfeiting and the Rest

of the said Proprietors, with regard to carrying on the said intended Navigation and Undertaking.

General Assemblies may remove Members of Committee, &c.

LVI. And be it further enacted, That the said Canal Company shall have Power and Authority, at any General Assembly, to remove and displace any Person or Persons chosen upon such Committee as aforesaid, or any Officer under them, and to revoke, alter, amend, or change any of the Rules and Directions herein prescribed and laid down with Regard to the Proceedings amongst themselves, as to the major Part of them shall seem meet, (the Method of calling General or Special Assemblies, and their Time and Place of meeting and voting, and appointing Committees, only excepted), and shall have Power to make such new Rules, Bye Laws, and Orders, for the good Government of the said Canal Company, their Agents and Workmen, and for making, maintaining, and using the said intended Canal, and the Warehouses, Wharfs, Fire Engines, or other Machines, and the Passages, Locks, Tunnels, and all other Things that shall be made for the same, and also for and concerning all such Vessels, Goods, and Commodities as shall be navigated and conveyed thereon, and also for the well governing of the Bargemen, Watermen, Boatmen, and others, who shall be employed in the conveying of any Goods, Wares, and Merchandize upon any Part of the said intended Canal, and from Time to Time to alter and repeal the said Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Assembly shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, which said Rules, Bye Laws, and Orders, being reduced into Writing, under the Common Seal of the said Canal Company, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of this Realm.

and make Bye Laws.

Subscribers dying before their Shares completed, Executors, &c. may complete the same.

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

such Proprietor, shall be indemnified against such Infant, and all other Persons, for paying any Money, when called for as aforesaid, to complete every such Subscription; and if such deceased Proprietor shall not have left Assets sufficient, or in case any such Executors or Administrators, Trustees or Guardians, shall refuse or neglect to answer such Calls or Payments, the said Canal Company shall be and are hereby impowered, authorized, and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such deceased Proprietor, on Condition that he, she, or they so admitted do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Proprietor, or to the Trustee or Trustees, Guardian or Guardians of any Infant or others entitled to his or her Effects, the full Money which shall have been paid by such deceased Proprietor in his or her Life Time, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or so much Money as the same shall be sold for; and in Default of such Calls being answered and made good in Manner aforesaid, it shall be lawful for the said Canal Company to sell and dispose of the Share or Shares of such deceased Proprietor, and they are hereby authorized and required to pay and apply the Money arising by such Sale (after deducting the Charges occasioned thereby) to or for the Benefit of the Representatives of such deceased Proprietor, in such Manner as the Commissioners shall direct.

In case of Refusal or Want of Assets, Proprietors may appoint others.

LVIII. And be it further enacted, That it shall be lawful for the Proprietor of any Share or Shares in the said Undertaking to sell and dispose of such Share or Shares, in Manner, and subject to the Rules and Conditions herein mentioned, and Duplicates of the Deed of Assignment or Conveyance of such Share or Shares shall be executed by such Proprietor, and also by the Purchaser or Purchasers, One Part whereof shall be delivered to the said Committee, or to their Clerk, to be filed and kept for the Use of the said Canal Company, and an Entry thereof shall be made in a Book to be kept by the said Clerk for that Purpose (for which not more than Two Shillings shall be paid), and the said Clerk is hereby required to make such Entry accordingly; and until such Duplicate of such Deed shall be so delivered unto the said Committee or Clerk as aforesaid, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Navigation and Undertaking, nor any Interest paid to him, her, or them, for his, her, or their Share so purchased, or be intitled to a

Shares may be disposed of.

Vote as Proprietor or Proprietors of the said Navigation or Undertaking.

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

LIX. Provided always, That after any Call of such Monies shall be made by the Authority of this Act, no Person shall sell or transfer any Share which he or she shall then have in the said Navigation and Undertaking, until the Monies called for upon his or her Share so to be sold shall be paid; and every Person making Default herein shall forfeit such his or her Share in the said Navigation and Undertaking to the said Canal Company, in Trust, for the Benefit of all the other Proprietors, unless the Person or Persons who shall be Vendee or Vendees shall, at the Time of such Transfer, pay the Money called for upon every such Share so sold or transferred to the Treasurer of the said Canal Company, such Forfeiture having been first notified and declared at a General Assembly in Manner before directed.

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

Form of Assignment.

I *A. B.* of in Consideration of the Sum of paid me by *C. D.* of do hereby bargain, sell, assign, and transfer to the said *C. D.* his Executors, Administrators, and Assigns, Shares in the *Glouceſter* and *Berkeley* Canal Navigation, to hold to the said *C. D.* his Executors, Administrators, and Assigns, subject to the same Rules and Orders, and on the same Conditions on which I held the same immediately before the Execution hereof; and I the said *C. D.* do hereby agree to accept of the said Shares, subject to the same Rules, Orders, and Conditions as before mentioned. Witness our Hands and Seals, the Day of

Officers to the Company to be appointed.

LXI. And be it further enacted, That it shall be lawful for the said Canal Company, at any General Assembly, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treasurer and Clerk, and such other Officers as they shall think necessary, and to take such sufficient Security from every such Treasurer, Clerk, and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their Offices, as the said Canal Company shall think proper, and from Time to Time to remove any Treasurer, Clerk, and other Officer; and every such Clerk shall always

always attend the General Meetings and Assemblies of the said Proprietors, and the Meetings of the said Committee, and shall, in a Book to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said intended Navigation and Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of, or intitled to any Share or Shares therein, and of all the Acts, Proceedings, and Transactions of the said Canal Company and of the said Committee, by virtue of and under the Authority of this Act; and that every Proprietor of the said Navigation and Undertaking shall and may, at all convenient Times, have Recourse to, and peruse and inspect the same gratis, and may demand and have Copies thereof, or any Part thereof, paying Three-pence for every Hundred Words so to be copied; and if any such Clerk shall refuse to permit any of the said Proprietors to inspect or peruse any such Book, or refuse to make any such Copy in a reasonable Time, at the Rate aforesaid, he shall, for every such Offence, forfeit and pay the Sum of Five Pounds for the Benefit of the Person or Persons to whom such Refusal shall be made; and whenever any such Treasurer or Clerk shall die, or be removed from, or quit the Service of the said Canal Company, it shall be lawful for the said Committee to appoint some other fit Person to be Treasurer or Clerk in the Place of him so dying, being removed, or quitting the said Service, until the then next General Assembly of the said Proprietors, when such Appointment shall be confirmed, or another Treasurer or Clerk shall be nominated or appointed in his Stead.

Proceedings of the Commissioners to be entered.

LXII. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book to be kept for that Purpose, such Book to be open, at all seasonable Times, to the Inspection of any Person interested in the said Proceedings, without Fee or Reward; and such Entries, being signed by such Number of the said Commissioners respectively as are impowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals, and the same, or true Copies thereof, shall be admitted as Evidence in all Courts whatsoever; and the said Commissioners may and are hereby required, at their First Meeting, to appoint, out of Three Persons to be nominated by the said Canal Company, such One of the said Three Persons as the said Commissioners shall think proper to be their Clerk, and from Time to Time may

remove any such Person, and on such Removal, or in case any such Clerk shall die or quit the said Employment, the said Canal Company, or the said Committee, shall, within the Space of One Calendar Month after Notice in Writing for that Purpose to be given by the said Commissioners, nominate Three other Persons, and give Notice thereof unto the said Commissioners from whom such Notice in Writing was received, or some of them, and they the said Commissioners shall and may appoint such One of the said Three last named Persons as they shall think proper to be their Clerk, and in like Manner a Clerk to the said Commissioners shall be from Time to Time nominated and appointed, as often as Occasion shall require; and every such Clerk shall be paid for his Care, Expences, and Trouble in the Execution of his Office by the said Canal Company.

Company to deposit a Sum of Money in the Bank to answer the Satisfaction for Damages.

LXIII. And be it enacted, That before the said Canal shall be begun to be cut, the said Canal Company shall, and they are hereby directed to lay out and invest the Sum of Five thousand Pounds in Three per Centum Consolidated Bank Annuities, in the Names of the Right Honourable Frederick Augustus Earl of Berkeley and the Honourable George Cranfield Berkeley, Trustees nominated by the Owners of Land through which the said Canal shall pass, and Thomas Master Esquire, and Henry Howard Esquire, Trustees nominated by the Proprietors of the said Canal, as and for a Security to the several Owners or Occupiers of Lands, or other Person or Persons whatsoever, who may sustain any Damage or Injury by or in consequence of the said Canal passing through their said Lands, or for or by Reason or Means of any Thing to be done or pretended to be done in or by carrying this Act into Execution; and in case the said Canal Company shall not, within One Month next after any Sum or Sums of Money have been, by any or either of the Modes herein-before mentioned, awarded or adjudged to be paid to any Owner or Occupier of Land, or other Person or Persons as aforesaid, for or on Account of any of the Matters herein mentioned, pay such Sum or Sums of Money to such Owner or Occupier of Land, or other Person or Persons as aforesaid, it shall and may be lawful to and for the said Trustees, or the Survivors or Survivor of them, or the Trustees for the Time being, and they are hereby directed to sell so much of the said Three per Centum Consolidated Bank Annuities as will be sufficient for that Purpose, and to pay the Produce arising from the Sale thereof to such Owner or Occupier of Land, or other Person or Persons as aforesaid, upon the

the Production of the said Award or Adjudication; and upon Payment thereof the said Canal Company shall, and they are hereby declared to be freed and discharged from any Claim or Demand that the said Owners or Occupiers of Land, or such other Person or Persons as aforesaid, might have upon them, for or in respect of such Award or Adjudication as aforesaid; and when and as soon as any of the said Trustees shall happen to die, it shall and may be lawful to and for the said Land Owners, or the said Canal Company, whose Trustee or Trustees shall happen to die, by Writing under their Hands, to elect and chuse a new Trustee or Trustees in the Room of that or those so deceased, and so from Time to Time, as often as the Case shall happen, and thereupon the said Three per Centum Annuities, or so much thereof as shall then remain unsold, shall be transferred to the said new elected Trustee or Trustees jointly with the remaining Trustees or Trustee, and which said new elected Trustee or Trustees shall from Time to Time have equal Power with the said old Trustees as they would have had if they had been originally named and appointed by this Act; and the said Canal Company shall, and they are hereby directed, when and as soon as the said Three per Centum Annuities to be purchased with the said Sum of Five thousand Pounds shall be by the Means aforesaid reduced to the Sum of Two thousand five hundred Pounds Three per Centum Annuities, and so from Time to Time and as often as there shall be less than the Amount of Two thousand and five hundred Pounds Three per Centum Consolidated Annuities standing in the Names of the Trustees or Trustee for the Time being, for the Purposes aforesaid, by Reason or on Account of the Performance of the Trust aforesaid, to pay into the Hands of the said Trustees, or the Survivors or Survivor of them, or the Trustees for the Time being, so much Money as shall be sufficient to replace, and make up the Amount of the Three per Centum Consolidated Annuities originally purchased with the said Sum of Five thousand Pounds, and which said additional Sum the said Trustees, or the Survivors or Survivor of them, or the Trustees for the Time being, are hereby required to lay out and invest in the Purchase of Three per Centum Consolidated Bank Annuities in the Manner hereinbefore mentioned; and in case the said Canal Company shall, when and as often as the said Annuities shall be reduced to Two thousand five hundred Pounds Annuities as aforesaid, refuse or neglect, for the Space of One Calendar Month, to pay into the Hands of the said Trustees,

tees, or the Survivors or Survivor of them, or the Trustees for the Time being, so much Money as shall be sufficient to replace and make up the Amount of the said Three per Centum Annuities originally purchased with the said Sum of Five thousand Pounds, it shall and may be lawful for the said Trustees, or the Survivors or Survivor of them, or the Trustees for the Time being, to appoint One or more Person or Persons to collect and receive the Rates by this Act imposed, and thereout to pay to the said Trustees, or the Survivors or Survivor of them, or the Trustees for the Time being, so much Money as shall be sufficient to replace and make up the Amount of the said Three per Centum Annuities originally purchased with the said Sum of Five thousand Pounds, together with the Costs and Expences of collecting and receiving the said Rates, and every Person so appointed shall be deemed a Collector of the said Rates, and shall have the like Powers and Authorities for collecting the same as if he had been appointed a Collector of the said Rates by the said Canal Company, until the Amount of the Three per Centum Annuities originally purchased with the said Sum of Five thousand Pounds shall be made up, and the Costs of collecting and receiving shall be paid, and after the said Annuities shall be made up to the Amount of the Annuities originally purchased with the said Sum of Five thousand Pounds, and the Costs and Charges of collecting shall be paid and satisfied, the Power and Authority of every such Collector of the said Rates to be appointed by the said Trustees as aforesaid shall cease and determine, or otherwise it shall and may be lawful for the said Trustees, or the Survivors or Survivor of them, or the Trustees for the Time being, to seize and distrain any Boat or Vessel, Boats or Vessels, or other Goods or Effects of the said Canal Company which shall be found on the said Canal, or in, upon, or about the Wharfs, Quays, Warehouses, or other Works belonging thereto, and to detain the same until such Payment shall be made as aforesaid, together with the reasonable Charges attending such Distress, and if such Distress shall not be redeemed within Five Days after such Distress made, and Notice thereof given in Writing, by affixing such Notice on some publick Place at any of the Wharfs or Quays belonging to the said Canal Company, then such Boat or Vessel, Boats or Vessels, or other Goods or Effects so distrained, shall and may be appraised and sold in such Manner as the Law directs in Cases of Distress for Rent, and the Trustees of the Annuities aforesaid for the Time being

are hereby directed to pay the Interest and Dividends arising from the said Three per Centum Consolidated Annuities, when and as often as the same shall become due, to the said Canal Company, or to such Persons as they shall impower to receive the same.

LXIV. Provided always, That it shall and may be lawful to and for the Trustees of the Annuities aforesaid for the Time being, and they are hereby directed when they shall be satisfied that the Tolls arising from the said Canal, are sufficient to indemnify the said Owners and Occupiers, and other Person or Persons as aforesaid, from any Damages that they may sustain by or in Consequence of the making of the said Canal, to transfer the Three per Centum Consolidated Bank Annuities then standing in their Names, in Trust as aforesaid, to the said Canal Company, or to such Person or Persons as they shall appoint for that Purpose.

Power to collect Rates of Tonnage.

LXV. And be it further enacted, That it shall be lawful for the said Canal Company, from Time to Time, and at all Times hereafter, to ask, demand, take, and receive, to and for their own proper Use and Behoof, for the Tonnage of all Coals, Stone, Timber, and other Goods, Merchandize, and Things which shall be navigated, carried or conveyed upon or through all or any Part of the said intended Canal, the several Rates hereinafter mentioned; that is to say:

For the Tonnage of all Goods, Wares, and Merchandizes navigated, carried, or conveyed in, upon, or through all or any Part of the said Canal, in any Vessels of One hundred Tons Burthen, or upwards, or in any Keel Vessels of any Burthen whatsoever, any Sum not exceeding Five Shillings per Ton:

For the Tonnage of all Goods, Wares, and Merchandizes (except Coals), which shall be navigated, carried, or conveyed in, upon, or through all or any Part of the said Canal, in Trows, Barges, Boats, or other Vessels (except Keel Vessels), of less Burthen than One hundred Tons, any Sum not exceeding Two Shillings and Sixpence per Ton:

For the Tonnage of Coals of every Denomination navigated, carried, or conveyed in, upon, or through all or any Part of the said Canal in Trows, Barges, or other Vessels, any Sum not exceeding One Shilling per Ton:

For the Tonnage of all such Goods, Wares, and Merchandizes navigated, carried, or conveyed, in, upon, or along all or any Part of the said Canal, in Trows,

Barges, Boats, or other Vessels not passing through either of the Locks of the said Canal, any Sum not exceeding Three-pence per Ton per Mile; and so in Proportion for any greater or less Distance than a Mile:

For all Ships, Trows, Boats, or other Vessels entering into or going out of the said Canal at either End thereof, empty or in Ballast, any Sum not exceeding One Penny per Ton for Lockage.

Fraction of a Quarter of a Ton to be deemed a Quarter.

LXVI. Provided always, That in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Ship, Boat, Barge, or other Vessel, so to be navigated on the said intended Canal, a Proportion of the said Rates shall be demanded and taken by the said Canal Company for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction of a Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered as a whole Quarter of a Ton.

To prevent evading the Rates by landing Goods from large Vessels into smaller ones.

LXVII. And be it enacted, That in order to prevent the said Canal Company being deprived or defrauded of the Rates of Tonnage which by this Act they are entitled to receive and take, it shall and may be lawful for the said Canal Company to receive and take, for all Goods, Wares, and Merchandizes which shall be brought into the River Severn in Vessels of One hundred Tons Burthen or upwards, or in Keel Vessels of any Burthen, and afterwards brought into the said Canal in any other Vessel, the same Rates of Tonnage as such Goods, Wares, and Merchandizes would have paid if the same had been brought into the said Canal in Vessels of One hundred Tons or upwards, or in Keel Vessels.

Recovery of Rates.

LXVIII. And be it further enacted, That the Rates herein-before authorized to be demanded and taken shall be paid to such Person or Persons, and at such Place or Places, at or near to the said intended Canal, and in such Manner, and under such Regulations as the said Canal Company shall, from Time to Time, direct or appoint; and in case of Refusal or Neglect of Payment of any such Rates, or any Part thereof, on Demand, to such Person or Persons as aforesaid, the said Canal Company may sue for the same, by Action of Debt, or upon the Case, in any Court of Record at Westminster, or the Person or Persons to whom the said Rates ought to be paid, may, and he and they is and are hereby impowered to seize and distrain the Goods or other Things for or in respect whereof such Rates ought to be paid, or any

any Part thereof, and the Ship, Boat, or other Veſſel laden therewith, and detain the ſame until Payment thereof, and of all Arrears of the ſaid Rates which may be due from the Owner of ſuch Ship, Boat, or Veſſel, to the ſaid Canal Company, together with reaſonable Charges for ſuch Seizure and Diſtreſs; and if ſuch Diſtreſs ſhall not be redeemed within Five Days after the taking thereof, the ſame may be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent.

Exemption from Rates.

LXIX. Provided always, and be it further enacted, That all Stone, Gravel, and Sand to be employed for the Purpoſe only of making or repairing of any publick Roads, in any Pariſh, Townſhip, Village, or Hamlet through which the ſaid intended Canal ſhall be made, not exceeding the Diſtance of Two Miles from the ſaid intended Canal, and alſo all Dung, Soil, Marl, Aſhes of Coal and Turf, Lime for Manure, and all other Manure which ſhall be uſed for the Improvement only of the Lands and Grounds not exceeding the Diſtance of Three Miles from the ſaid intended Canal, ſhall not be charged with or liable to the Payment of any of the Rates hereinbefore authorized to be taken; ſo that not more than One Veſſel ſhall paſs through any Lock to be made on the ſaid intended Canal in the Space of Twenty-four Hours, without the Conſent of the ſaid Canal Company firſt had and obtained; and alſo, that ſuch Perſon or Perſons who ſhall own, or be concerned or employed in carrying ſuch Stones, Gravel, or Sand, for the making and repairing of ſuch Roads, or ſuch Dung, Soil, Marl, Aſhes, or Manure, ſhall have free Liberty to make uſe of the Towing Paths, Wharfs, or Quays belonging to the ſaid Canal Company, ſuch Perſon or Perſons not ſuffering the ſame to lie upon ſuch Wharfs or Quays longer than may be neceſſary for the loading, unloading, and conveying thereof from and to the ſeveral Places where they are to be put on Board and unloaded; and if any Perſon ſhall claim and take the Benefit of any of the aforeſaid Exemptions, who ſhall not be entitled thereto, or ſhall uſe or diſpoſe of any of the Articles for which any ſuch Exemption ſhall have been allowed, in any other Manner than as before mentioned, he ſhall forfeit any Sum not exceeding Ten Pounds for every ſuch Offence.

Power to alter the Rates.

LXX. And be it further enacted, That it ſhall be lawful for the ſaid Canal Company, from Time to Time, at any General Aſſembly to be held for that Purpoſe, (of which Three Calendar Months Notice ſhall be given in the Glouceſter and Worceſter Newſpapers, or in any ſuch

such other Manner as the said Canal Company shall at any General Assembly direct or appoint), to lessen or reduce all or any of the Rates hereby granted and made payable to them, as they shall think proper, and afterwards, from Time to Time, at any General Assembly, (of which such Notice shall be given as aforesaid), to advance and raise all or any of the said Rates so lessened to any Sum or Sums of Money not exceeding the said Rates herein-before granted, but no Reduction of the said Rates shall be made without the Consent of the Proprietors possessed of at least Three Fourths of the Shares in the said Navigation and Undertaking.

Masters of Boat to give an Account in Writing of Particulars of Lading.

LXXI. And, for the better ascertaining the Rates herein-before granted, be it further enacted, That the Master or Person having the Care of every Ship, Boat, Barge, or other Vessel navigating upon the said intended Canal, shall give an exact and true Account in Writing, signed by him, to any Collector of the said Rates demanding the same, at the Place where he shall attend for that Purpose, what Quantities of Goods or other Things shall be in or upon such Ship, Boat, Barge, or other Vessel, and from whence brought, and where the same are intended to be landed, and also of the Quantities, Qualities, and Weight of such Goods or other Things as shall have been discharged out of such Ship, Boat, Barge, or other Vessel, and where the same shall have been discharged, before it shall have arrived at the Place where such Account is to be given; and if the Goods or other Things contained in such Ship, Boat, Barge, or other Vessel shall be liable to the Payment of different Rates, then such Master or Person shall specify the Quantities liable to the Payment of each Rate; and in case any such Person shall neglect or refuse to give such Account, or to produce his Bill of Lading to any such Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading at any other Place than what shall be mentioned in such Account, with Intent to avoid the Payment of the said Rates, or any Part of them, he shall forfeit and pay the Sum of Forty Shillings for every Ton of Goods and other Things (and so in Proportion for any less Quantity than a Ton) which shall be in such Ship, Boat, Barge, or other Vessel, of which such Account shall be so refused to be given, or of which such false Account shall be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates directed to be paid for the same by virtue hereof.

LXXII. And, for the further ascertaining the Tonnage of Stone, Timber, and other Goods to be charged with the Payment of such Rates as aforesaid; be it further enacted, That Sixteen Cubic Feet of Stone, Ten Yards square of Flagstone from One Inch and a half to Three Inches thick, and Ten Yards of lineal Curbstone from Eleven to Thirteen Inches wide, and from Five to Seven Inches thick, Fifty cubic Feet of round or Forty cubic Feet square Oak, Ash, Elm, or Beach Timber, and Fifty Feet of Fir or Deal Balk, Poplar, or other Timber or Wood not cut into Scantlings, shall, for the Purpose of this Act, be deemed, rated, or estimated as and for One Ton Weight; and that Nine Score Pounds Weight Avoirdupoise of Limestone intended to be burnt into Lime, shall, for the Purposes of this Act, be deemed or estimated as and for One Hundred Weight, and that Six Score Pounds Weight Avoirdupoise of unwrought Stone, and Coals, and all other Goods and Things, shall for the Purposes of this Act be deemed, rated, or estimated as and for One Hundred Weight, any Usage of rating or estimating the same to the contrary thereof notwithstanding. Quantity of Tonnage, &c. ascertained.

LXXIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and the Master or Person having charge of any Ship, Boat, Barge, or other Vessel, or the Owner of any Goods, or other Things, concerning the Weight or Quantity of any Goods, Wares, or other Things, it shall be lawful for any such Collector to stop and detain any such Ship, Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Ship, Boat, Barge, or other Vessel, and all such Goods and other Things as shall be therein contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Master or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging, all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means, and in such Manner as the said Rates are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same, or less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master or Person, or If any Difference concerning the Weight, Collectors may weigh Vessels,

to the Owner or Owners of such Goods or other Things, such Damages as shall appear to any Justice of the Peace for the County of Gloucester, on the Oath of any credible Witness, to have arisen from such Detention; and in Default of immediate Payment thereof by the Collector, the same shall be recovered from the said Canal Company, by Action of Debt, in any of His Majesty's Courts of Record at Westminster.

Navigation to be free on Payment of Rates.

LXXIV. And be it further enacted, That all Persons whomsoever shall have free Liberty, with Horses, Cattle, and Carriages, to use the private Roads and Ways belonging to the said Canal Company (except Towing Paths) and with Ships, Boats, Barges, and other Vessels, to use the said intended Canal, for the Purpose of conveying Coals, and all Goods and Things whatsoever, and to use the Wharfs or Quays to be made by virtue of this Act for loading and unloading the same, and the said Towing Paths for haling and drawing such Ships, Boats, Barges, and other Vessels, upon Payment of the Rates herein-before granted, and subject to the Rules, Bye Laws, and Regulations, which shall from Time to Time be made by the said Canal Company, by virtue of the Powers herein granted.

To prevent Lock Keepers, &c. giving any Preference.

LXXV. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Officer belonging to the said Canal Company, shall give any undue Preference to any Ship, Boat, Barge, or other Vessel, in passing through any Lock upon the said intended Canal, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weigh Beams, Cranes, or other Machines belonging to the said Canal Company, he shall forfeit and pay the Sum of Twenty Shillings for every such Offence.

Vessels under 20 Tons not to pass the Locks but on certain Conditions.

LXXVI. Provided always, and be it further enacted, That no Boat or other Vessel of less Burthen than Twenty Tons shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Canal Company, or their principal Agent, in Writing first had and obtained, unless the Owner or Person having the Care of such Boat or other Vessel shall pay Tonnage for the same as for a Boat or Vessel of Twenty Tons Burthen.

Masters to put their Names on Outside of their Boats.

LXXVII. And be it further enacted, That every Owner or Master of any Boat, Barge, or other Vessel (not being a Ship or other Vessel of the Burthen of One hundred Tons or upwards, and not being a Boat or other Vessel, exempt from the Payment of the said Rates) passing upon the said intended Canal, shall cause his

his or her Name and Place of Abode, and the Number of such Boat, Barge, or other Vessel, to be entered with the Clerk of the said Canal Company, and shall also cause such Name and Number to be painted in large White Capital Letters and Figures, on a Black Ground Six Inches high at the least, and of a proportionable Breadth, on the Outside of the Head or Stern of every such Boat, Barge, or other Vessel, higher than the Place to which the same shall sink into the Water when full laden, and also shall and is hereby required to fix on each Side thereof respectively correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Height, and under such Regulations as the said Canal Company shall from Time to Time direct, so that the true Weight of the Lading on Board, may at all Times be thereby ascertained and shewn, and shall permit and suffer every such Boat, Barge, or other Vessel to be gauged or measured at the Expence of the said Canal Company, whenever it shall be requested by them, or any Person or Persons appointed by them for that Purpose; and every Owner, Master, or other Person having the Rule or Command of any Boat, Barge, or other Vessel, who shall navigate the same upon the said intended Canal, without having such Name, Figures, and Index thereon as are hereinbefore directed, or shall alter, erase, deface, or destroy the same, or any Part thereof, or shall fix thereon any false Name, Figure, or Index, or who shall refuse to permit and suffer the same to be gauged and measured, or shall wilfully suffer or permit any Boat, Barge, or other Vessel upon the said Canal, to be loaded or unloaded without a Stage being laid from the Side of such Boat, Barge, or other Vessel to the Bank of the said Canal, shall forfeit and pay the Sum of Forty Shillings for every such Offence.

Masters or Owners of Boats answerable for Damages.

LXXVIII. And be it further enacted, That the Master or Owner of any Ship, Boat, Barge, or other Vessel, navigating upon the said intended Canal, shall be and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his Ship, Boat, Barge, or other Vessel, or any of the Boatmen, Watermen, or others belonging to or employed in or about the same, unto any of the Bridges, Weirs, Locks, Banks, Dams, Engines, or other Works, in, upon, or belonging to the said intended Canal, or any of the Trenches, Aqueducts, Sluices, and Passages to be made as aforesaid, or by loading or unloading any Ship, Boat, Barge, or other Vessel, and for any Trespass or Damage that shall or may be

be done to the Owners or Occupiers of any Buildings, Erections, Lands, or Tenements, adjoining or lying near to the same, or any of them, by leaving open Gates or otherwise, or any other Trespass whatsoever, the Amount or Value of such Damage, Spoil, Mischief or Trespass to be recovered by Action in One of His Majesty's Courts of Record at Westminster, with full Costs of Suit, but no greater Sum than One hundred Pounds shall in any one Case be payable or recoverable for any such Damage, Spoil, or Mischief; and in case the Owner of any such Ship, Boat, Barge, or other Vessel as aforesaid, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Trespass, by Reason of any wilful Act or Default done or committed by his Servant or Servants, every such Servant shall be liable to repay such Penalty, or the Money paid for any such Damage or Trespass, to such Owner; and in case of Nonpayment thereof upon Demand, the same shall be recovered by such Owner in like Manner as any Penalty is hereby authorized or directed to be recovered.

Committee to regulate the Navigation.

LXXIX. And be it further enacted, That all Ships, Boats, Barges, and other Vessels passing upon the said intended Canal, shall, upon meeting any other Ship, Boat, Barge, or Vessel, stop at, or go back to and lie in some Place to be provided for that Purpose as aforesaid, in such Manner as the said Canal Company, or the said Committee, shall from Time to Time direct and appoint; and if any Ship, Boat, Barge, or other Vessel, shall be placed, or suffered to remain in any Part of the said intended Canal, so as to obstruct the Navigation thereof, and the Person having the Care of such Ship, Boat, Barge, or other Vessel, shall not, immediately upon Request made, remove the same, he shall, for every such Offence, forfeit any Sum not exceeding Twenty Shillings for every Hour such Obstruction shall continue after the making such Request; and it shall be lawful for any Agent or Officer to the said Canal Company to cause any such Ship, Boat, Barge, or other Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and to seize and distrain such Ship, Boat, Barge, or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal are paid; and if any Person shall float any Timber upon the said intended Canal, or shall suffer the loading of any Boat, Barge, or other Vessel navigating in or upon the said intended Canal to lie over the Side thereof, so as to obstruct the Passage of any other Boat, Barge, or other Vessel;

and

and shall not, immediately upon Notice given to him for that Purpose, remove such Obstruction, or if any Person shall throw any Ballast, Gravel, Stones, or Rubbish into any Part of the said intended Canal, or any Trenches or Watercourses to be made by virtue of this Act, or if any Person shall wantonly, carelessly, or negligently open, or cause to be opened, any Lock Gate, or any Paddles, Valve, or Clough belonging to any Lock to be erected on the said intended Canal, or suffer any Ship, Boat, Barge, or other Vessel to strike or run upon any of the Bridges or Locks thereof, or shall wilfully stush or draw off the Water from any Part of the said intended Canal, or shall leave any of the said Valves or Cloughs open and running after any Ship, Boat, Barge, or other Vessel shall have passed any such Lock, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and if any Person shall wilfully and maliciously, and to the Prejudice of the said Navigation, break, throw down, damage, or destroy any Banks or other Works to be erected and made by virtue of this Act, every Person so offending shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court by and before whom such Person shall be tried shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws or Statutes of this Realm, or in Mitigation of such Punishment such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Rights of Commissioners of Sewers reserved.

LXXX. And be it further enacted, That where the Canal crosses any of the publick Rees, Sewers, or Watercourses, in the County of Gloucester, the Canal Company shall, and they are hereby directed to make, maintain, and keep in good Repair, sufficient Drains, Gouts, or Culverts under such Canal, for conveying away the Water of such Rees, Sewers, or Watercourses, and which Drains, Gouts, or Culverts shall and are hereby declared to be under the Power or Controul and Direction of his Majesty's Commissioners of Sewers for such Parts as lie within the lower Level of the said County of Gloucester, and such Parts as lie out of or above the said lower Level shall and are hereby directed to be under the Controul, Power, and Direction of the Commissioners hereby appointed.

To prevent taking Water which supplies Mills, on the *Stroud Water* Canal.

LXXXI. And be it further enacted, That the said Canal Company shall by no Ways or Means take any Water from the Stroud Water Canal, or the Stroud Water River, nor from any other River, Stream, or Streams, Watercourses,

tercourſes, Brooks, Ponds, or Pools leading to, or which do by any Ways or Means communicate with or contribute to ſupply Water for the Uſe of any Mill or Mills whatſoever, or the ſaid Stroud Water Canal, or any Stream or Streams leading into ſuch Canal, nor ſhall the ſaid Canal Company impede, or in anywiſe obſtruct or prevent, any Stream, Watercourſe, Brook, Rivulet, or Water from running and flowing to any Mill or Mills whatſoever, nor dam or ſtank up any Water, ſo that the ſame may fall back upon or obſtruct the Water running in any Millrace, Tail, Water, or Courſe of ſuch Mill or Mills, without the Conſent of the Occupiers and Owners of ſuch Mill or Mills in Writing firſt had and obtained; and in order to prevent Water being taken from the Stroud Water Canal, the ſaid Canal Company ſhall, and they are hereby required, at their own Expence and Charges, to erect and ſet up Two Pair of Gates at leaſt on each Side of the ſaid Stroud Water Canal, or ſo many other Pair of Gates as the ſaid Stroud Water Canal Company, and the ſeveral Mill Owners, may think neceſſary for that Purpoſe, ſuch Gates to be erected under the Direction of the Stroud Water Canal Company and the ſeveral Mill Owners, or ſome Agent or Agents appointed by them; and if ſuch Gates ſo erected and ſet up ſhall be found not to anſwer the ſaid intended Purpoſe, then the ſaid Canal Company ſhall, at their own Expence and Charges, adopt ſuch further Meaſures, and uſe ſuch other Means as may be deemed effectual by the Stroud Water Canal Company and the Mill Owners aforeſaid, and ſo from Time to Time, as often as the Meaſures adopted and made Uſe of ſhall prove ineffectual to the End deſigned; and in caſe the ſaid Canal Company ſhall neglect or refuſe to erect or repair the Gates aforeſaid, or to do any other Act neceſſary for the Purpoſes laſt aforeſaid, for the Space of Seven Days after a Requeſt made by the Treaſurer or Agent of the Stroud Water Canal Company, or the ſaid Mill Owners, or of any Individual Mill Owner affected or likely to be affected by ſuch Neglect or Refuſal, then the ſaid Stroud Water Canal Company, or Mill Owners, or ſuch Individual Mill Owner, affected, or likely to be affected, ſhall and may do and perform ſuch Act or Acts as ought to have been done by the ſaid Canal Company, and ſhall and may recover the Coſts and Expences of doing the ſame by any of the Ways hereinbefore or herein-after mentioned, or by Action in any of his Majeſty's Courts of Record at Weſtminſter, with full Coſts.

LXXXII. And

LXXXII. And be it enacted, That all Coals, Goods, Wares, and Merchandizes, passing upon the Whole or upon any Part of the said intended Canal, and going up or coming down the Stroud Water Canal, to or from Walbridge, or any Part of the said Stroud Water Canal between Walbridge aforesaid and the said intended Canal, shall pay the same Tonnage to the Proprietors of the Stroud Water Canal as such Coals, Goods, Wares, and Merchandizes would have paid if they had gone to or had been coming from the River Severn at Framilode. Tonnage on Articles passing to or from *Stroud Water* Canal in certain Cases:

LXXXIII. And be it further enacted, That all Coals, Goods, Wares, and Merchandizes, coming up or going down the Stroud Water Canal, and into, through, or out of the said intended Canal, or any Part thereof, shall pay only One Half of the Tonnage which the same Coals, Goods, Wares, and Merchandizes would pay for passing the whole Length of the said intended Canal, in the same Kind of Vessels that do navigate the said Stroud Water Canal, any Thing herein contained to the contrary notwithstanding: Provided always, That no Boats or other Vessels passing upon the said intended Canal, and crossing the said Stroud Water Canal, or Boats or other Vessels passing the said Stroud Water Canal, and crossing the said intended Canal, shall pay any Toll for such crossing to either of the said Companies. And also in certain other Cases.

LXXXIV. And be it further enacted, That while the said intended Canal shall be cutting into the Stroud Water Canal, that the said Canal Company shall pay to the said Stroud Water Canal Company Five Pounds and Five Shillings for each and every Day that the Navigation of the said Stroud Water Canal shall be interrupted by Means of the making of the said intended Canal, or by Means of making or setting up any Works appertaining thereto, and so from Time to Time, and at all future Times, whenever the Navigation of the said Stroud Water Canal shall be interrupted or impeded by Means of the said intended Canal, or any Alterations or Reparations to be made thereto. Payment to the *Stroud Water* Company for any Interruption to their Navigation by making the intended Canal.

LXXXV. And be it further enacted, That a Gate Keeper shall be appointed by the said intended Canal Company, with the Consent and Approbation of the Stroud Water Canal Company, and as often as he is removed another shall be appointed by the said intended Canal Company, with the like Approbation and Consent of the said Stroud Water Canal Company, to be kept constantly to attend the Gates which are to be Gate Keeper to be appointed at the Junction of the Canals.

erected on the said intended Canal, for the Preservation of the Water in the Stroud Water Canal, and which said Gate Keeper shall at all Times be under the Direction and Controul of the said intended Canal Company and the said Stroud Water Canal Company, for the respective Purposes for which he is appointed, and be at all Times liable to be removed by either of the said Companies; and if the Person so appointed shall at any Time be negligent of his Duty, so that Water shall be wasted out of the said Stroud Water Canal, then and as often as the Case shall so happen, the several Mill Owners and Mill Occupiers affected by such Waste of Water, or any Five or more of them, shall have the Power of nominating a Gate Keeper to be appointed by the said intended Canal Company, in the Room of the Gate Keeper so neglecting his Duty, and the said intended Canal Company are hereby required to appoint such Person Gate Keeper as shall be so nominated by the said Mill Owners, or any Five or more of them as aforesaid; and the said Canal Company shall, and they are hereby required, from Time to Time, to pay to all and every such Gate Keeper so appointed as aforesaid, all and every reasonable Sum and Sums of Money for his Attendances, Services, and Care, to which he shall be entitled for the same: Provided always, That in case the said intended Canal Company shall neglect or omit to appoint such Gate Keeper as aforesaid, for the Space of Seven Days after the Removal or Death of any former Gate Keeper, it shall and may be lawful for the said Mill Owners, or any Five of them, to appoint such Gate Keeper, with the Consent and Approbation of the said Stroud Water Canal Company, and the said Gate Keeper so appointed by the said Mill Owners, with such Consent as aforesaid, shall be paid by the said intended Canal Company for his Attendance, Services, and Care, in the same Manner as if he had been appointed by them, and shall not be removed unless for Neglect of Duty, or with the Consent and Approbation of the said Mill Owners and the said Stroud Water Canal Company.

Mill Owners may appoint a Gate Keeper in certain Cases.

LXXXVI. Provided always, That if any of the Persons so appointed Gate Keeper to the said intended Canal Company shall at any Time be negligent of his Duty, so that Water shall be wasted out of the said Stroud Water Canal, and the said Mill Owners and Mill Occupiers shall neglect or omit, by the Space of Seven Days, to nominate a Gate Keeper to be appointed by the said intended Canal Company, in the Room of the Gate Keeper

so

so neglecting his Duty, or if the said Mill Owners and Mill Occupiers, having nominated such other Gate Keeper, the said intended Canal Company shall neglect or omit, by the Space of Seven Days next after such Nomination, to appoint such Gate Keeper so nominated, and if the said Mill Owners and Mill Occupiers shall neglect or omit, by the Space of Seven other Days, to appoint such Gate Keeper, or if any of the Persons so appointed Gate Keeper by the said Mill Owners and Mill Occupiers, or any of them, shall at any Time be negligent of his Duty, so that Water shall be wasted out of the said Stroud Water Canal, and if in such Case the said intended Canal Company, and the said Mill Owners and Mill Occupiers, shall neglect or omit to appoint a Gate Keeper for the Space of Fourteen Days in the Whole after Notice of such Neglect from the said Thames and Severn Canal Company, or after the Removal or Death of any former Gate Keeper, then, in any of the said Cases, it shall and may be lawful for the Company of Proprietors of the Thames and Severn Canal, at any General Assembly or Meeting of a Committee of the said Company, to appoint a Gate Keeper, with the Consent and Approbation of the said Stroud Water Canal Company, and the said Gate Keeper so appointed by the said Thames and Severn Canal Company, with such Consent as aforesaid, shall be paid by the said intended Canal Company for his Attendance, Services and Care, in the same Manner as if he had been appointed by them, and shall not be removed unless for Neglect of Duty, or with the Consent and Approbation of the said Thames and Severn Canal Company, and the said Stroud Water Canal Company.

Committee may appoint Gate Keepers in certain Cases.

LXXXVII. And be it enacted, That in order to prevent Inconveniences to the said intended Canal Company, in consequence of the Powers given to the said Stroud Canal Company, and the Mill Owners as aforesaid, to appoint a Gate Keeper in the Cases herein-before mentioned, it shall and may be lawful for the said Committee, or any Three or more of them, from Time to Time to assemble, and by Writing under their Hands to appoint a Gate Keeper without any previous Notice being given for that Purpose, with such Consent of the Stroud Water Canal Company as aforesaid; and if such Gate Keeper should not, at any General Assembly to be held in Manner herein-before directed, be approved of, then such General Assembly shall and may from Time to Time have Power to remove such Gate Keeper, and to appoint another

proper Person as Gate Keeper in his Stead, with the like Consent of the said Stroud Water Canal Company.

Payment to the *Thames* and *Severn* Company, for Interruption to the *Stroud Water* Navigation, by making the intended Canal.

LXXXVIII. And be it further enacted, That while the said intended Canal shall be cutting into the said Stroud Water Canal, the said intended Canal Company shall pay to the said Thames and Severn Canal Company a Sum of Money (to be ascertained in Manner hereinafter mentioned) for each and every Day that the Navigation of the said Stroud Water Canal shall be interrupted by Means of the making of the said intended Canal, or by Means of making or setting up any Works appertaining thereto, and so from Time to Time, and at all future Times, whenever the Navigation of the said Stroud Water Canal shall be interrupted or impeded by Means of the said intended Canal, or any Alterations or Reparations to be made thereto; and in order to ascertain the Sum and Sums of Money to be paid by the said intended Canal Company, the said Thames and Severn Canal Company shall produce their sufficient Books of Account, and verify the same upon Oath, if required, and shall state therefrom the Gross Amount of the Tonnage which shall have been paid or be payable to the said Thames and Severn Canal Company for all Coals, Goods, Wares, and Merchandizes which shall have passed from out of the said Thames and Severn Canal into that Part of the Stroud Water Canal intended to form, and which shall afterwards form Part of the Bason at the Junction of the said intended Canal with the said Stroud Water Canal, and from such Part of the said Stroud Water Canal into the said Thames and Severn Canal, during the Six Calendar Months next immediately preceding the Day on which Notice shall be given of the intended Interruption of the Navigation in the said Stroud Water Canal by any of the Means aforesaid; and an Average of One Day's Tonnage shall be made and taken upon and from such Gross Amount, and the said intended Canal Company shall pay to the said Thames and Severn Canal Company a Sum of Money equal to Two Third Parts of such One Day's Average Tonnage for each and every Day that the Navigation of the said Stroud Water Canal shall at any Time or Times be interrupted or impeded by the Means aforesaid.

Notice to the *Thames* and *Severn* Company before the *Stroud Water* Navigation be interrupted.

LXXXIX. And be it further enacted, That the said intended Canal Company shall, before they shall interrupt or impede the Navigation of the said Stroud Water Canal, by Means of the making of the said intended Canal, or of making or setting up any Works appertaining

ing thereto, give One Calendar Month's previous Notice to the said Thames and Severn Canal Company of their Intention to interrupt or impede the Navigation of the said Stroud Water Canal by the Means aforesaid, and shall likewise advertise the same in a Bristol and Gloucester Newspaper, to the End all Persons interested in the Navigation of the said Thames and Severn Canal may be informed thereof.

Earth, &c. to be removed from Dr. *Lyson*'s Ground.

XC. And be it further enacted, That the said Canal Company shall at their own Costs and Charges, as soon as conveniently may be after the said Canal shall be dug through a certain Close in the Parish of Hempstead, called the Lower Walk, belonging to Daniel Lysons, Doctor of Physick, carry away and remove from the said Close all the Earth, Clay, Stones, and other Materials which shall be thrown out of the said Canal in digging the same through the said Close, and that the Banks of such Part of the said Canal as shall be cut through the said Close called The Lower Walk, shall be made level with the other Parts of the said Close, and covered with Turf; and that the said Canal Company shall not at any Time hereafter have the Power of making any Wharf, or erecting any Crane, or any Building, Engine, or Erection whatsoever, in or upon the said Close, without the Consent in Writing of the Owner thereof, and that the Banks of the said Canal shall not, at any Time after the same shall be so dug, be raised above the Level of the said Close called The Lower Walk.

Power to compel Payment of Subscriptions.

XCI. And be it further enacted, That the several Persons and Bodies Politick or Corporate who have subscribed to advance any Money for and towards making and maintaining the Canal and other Works hereby authorized to be made, shall, and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Canal Company, or the said Committee, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Canal Company, or the said Committee, in Manner before-mentioned; and in case any Person, or Body Politick or Corporate, shall neglect or refuse to pay the same at the Time and in Manner required for that Purpose, it shall be lawful for the said Canal Company to sue for and recover the same in any Court of Law or Equity.

Recovery of Fines and Forfeitures.

XCII. And be it further enacted, That all Fines, Penalties, and Forfeitures inflicted by this Act, or which shall be inflicted by any Rule, Order, or Bye Law to be made

made in pursuance hereof (the Manner of levying and recovering of which is not herein particularly directed) shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for the County or Place within which the Offence shall happen to be committed, or the Offender shall be or reside, and every such Justice is hereby authorized to hear and examine Witnesses upon Oath, and determine the same, and all such respective Fines, Forfeitures, and Penalties (the Application whereof is not herein-before particularly directed) shall be paid into the Hands of the Treasurer to the said Canal Company, and shall be applied and disposed of for the Use of the said Undertaking.

Offenders may be committed on Want of Distress.

XCIII. And be it further enacted, That for Want of sufficient Distress whereby to levy any such Fine, Penalty, or Forfeiture as aforesaid, upon the Offender's Goods and Chattels, such Offender shall, by virtue of a Warrant under the Hand and Seal of any such Justice, be committed to the House of Correction for the said County, and there kept to hard Labour for any Time not exceeding Two Calendar Months, unless such Fine, Penalty, or Forfeiture, and all Expences attending the Recovery thereof, shall be sooner paid and satisfied.

Conviction of Offenders.

XCIV. And, for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up in any Form to the Effect following:

County of *Gloucester*, to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before *C. D.* One of His Majesty's Justices of the Peace for the said County. [*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.

Proceedings not to be quashed for Want of Form.

XCV. And be it further enacted, That no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or removed by Certiorari, or any other Writ or Process, into any of His Majesty's Courts of Record at Westminster, or elsewhere; and that where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress

Distress not unlawful for Want of Form.

treſs itſelf ſhall not be deemed unlawful, nor the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceeding relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on Account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damages in an Action upon the Caſe.

Appeal to the Quarter Seſſions.

XCVI. Provided always, and be it further enacted, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order or Judgement made or given in purſuance of any Rule, Bye Law, or Order of the ſaid Canal Company, or by the Order or Determination of any Juſtice of the Peace, in purſuance of this Act, may, within Six Calendar Months after ſuch Order, Judgement, or Determination ſhall be made or given, complain to the Juſtices of the Peace at any General Quarter Seſſions to be held in or for the County of Glouceſter, who ſhall, in a ſummary Way, either hear and determine ſuch Complaint at ſuch Seſſion, or if they think proper may adjourn the hearing thereof to their next General Quarter Seſſion of the Peace, and, if they ſee Cauſe, may mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye Law, Order, or Determination, and may alſo award ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable.

Limitation of Actions.

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

brought after the Time so limited for bringing the same, or shall be brought in any other County than as aforesaid, then, and in such Case, the Jury shall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs (except such Plaintiff or Plaintiffs be a Land Owner or Land Owners, or Mill Owner or Mill Owners, or a Proprietor in the Stroud Water Canal, and such Action shall have been brought by such Plaintiff or Plaintiffs for any Damage alledged to have been done to any Lands or Mills, or to the Stroud Water Canal, in which Case such Plaintiff or Plaintiffs shall pay the common Costs only), and shall have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law.

Company to appoint an Agent on whom Notices may be served.

XCVIII. And to the End that all and every Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Person and Persons who may have any Difference or Disagreement with the said Canal Company, or may be desirous to bring any Action or Actions, Suit or Suits, against the said Canal Company, or to give any Notice or Notices to the said Canal Company in Cases where Notice is required to be given by this Act, or otherwise, may have an easy and effectual Means of doing and performing the several Acts aforesaid: Be it enacted, That the said Canal Company do and shall, and they are hereby required, within Forty Days from the First Day of July next ensuing, to name and appoint an Agent to reside within Six Miles of some Part of the said Canal, upon whom all Writs or Processes against the said Canal Company, and all Notices of or for any Causes, Matters, or Things touching which it is thought necessary or expedient to give Notice to the said Canal Company, or touching which Writs and Processes shall be sued out against the said Canal Company, shall be served, and that the Service of any Writ, Process, or Notice upon, or leaving the same at the Dwelling House of such Agent, shall be deemed good and sufficient Notice and Service to and upon the said Canal Company, and shall entitle the Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, and other Person and Persons as aforesaid, so serving or leaving the

same, to all and every Benefit, Advantage, and Effect to be lawfully derived from the Service of such Writs, Processes, or Notices; and the Acts of such Agent in all and every the Matters aforesaid shall be deemed and taken to be the Acts of the said Canal Company; and in case of the Death or Removal of such Agent, the said Canal Company shall, within Forty Days, nominate and appoint another Agent for the Purpose aforesaid in the Place or Stead of the Agent so dying or removed, who shall reside within Six Miles of some Part of the said Canal as aforesaid; and the said Canal Company shall, on the Appointment of every such Agent, give Notice thereof, and of the Name and Place of Residence of such Agent, in the several Publick Newspapers published within the said County of Gloucester, or in case no such Newspapers shall be published in the said County of Gloucester, then in some Newspaper published in the County the nearest to the said County of Gloucester where any such publick Newspaper is published: Provided always, that nothing in this Act contained shall make it necessary, in Cases where the said Canal Company shall have appeared to any Writ or Process issuing out of any Court of Law or Equity, to serve any Notice or Notices in the Course of the Action or Suit grounded on such Writ or Process upon such Agent so to be appointed as aforesaid, but that in all such Cases Notices may be served on the Attorney or Agent of the said Canal Company, as in Actions and Suits in the ordinary Course of legal Proceedings.

Publick Act.

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

FINIS.