ANNO TRICESIMO TERTIO

Georgii III. Regis.

CAP. XCVIII.

An Act for making and maintaining a Navigation from the Town of *Leiceſter* to communicate with the River *Nen*, in or near the Town of *Northampton*; and alſo a certain Collateral Cut from the ſaid Navigation.

[30th *April* 1793.]

WHEREAS the making and maintaining the River Soar navigable for Boats, Barges, and other Veſſels, from the Leiceſter Navigation (now making) at or near the Weſt Bridge, in the Pariſh of Saint Mary, in or near the Borough of Leiceſter, to or near to a Bridge over the ſaid River, in the Pariſh of Aileſton, in the County of Leiceſter, called Aileſton Bridge, and the making and maintaining a Canal for the Navigation of Boats, Barges, and other Veſſels, from the ſaid River, near to the ſaid Bridge called Aileſton Bridge, through or near to the Town of North- Preamble.

Northampton, into and along the River Nen, otherwise called The Northern River, at or near to the Parishes of Dallington in the County of Northampton, and of Saint Peter in or near to the Town of Northampton, and of the Parish of Duston in the said County of Northampton, there to communicate with a Branch of the intended Canal in the Parish of Hardingstone from the Oxford Canal Navigation at Braunston, in the County of Northampton, to join the River Thames at New Brentford, in the County of Middlesex, and the making and maintaining a Canal or Collateral Cut for the Navigation of Boats, Barges, and other Vessels, from the before-mentioned Canal in or near to the Parish of Lubenham aforesaid, to or near to the said Town of Market Harborough, will open an easy and commodious Communication between the Towns of Market Harborough and Northampton aforesaid, and the several Townships, Districts, and Places, through or near which the said Navigation and Canal will pass, and also between some of those Towns and Places and the Town of Leicester, and the several Coal and Lime Works, and Limestone Quarries, in the County of Leicester aforesaid, and the County of Derby, and also between the several Towns and Places aforesaid, and many Ports, Cities, and large and populous Towns, whereby the Conveyance of Coals, Timber, Stone, Lime, Limestone, Lead, Iron, Corn, Manure, and Goods, Wares, and Merchandizes, to and from those Places, will be greatly facilitated, and rendered less expensive, and will be of great Advantage to the Trades and Manufactures carried on in, between, and near the above Ports, Cities, Towns, and Places, and will tend to the Improvement of the adjacent Lands, the Preservation of the Publick Roads, and be 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 her Grace Isabella Dutchess of Rutland, his Grace Henry Duke of Beaufort, the Right Honourable Robert Earl Ferrers, the Right Honourable Francis Lord Rawdon, the Right Honourable Peniston Lord Viscount Melbourne of the Kingdom of Ireland, Sir Justinian Isham Baronet, Sir Charles Grave Hudson Baronet, Poyntz Owsley Adams, Charles Adams, George Ashby, John Atkins, Elizabeth Atkins, Thomas Aynesworth, Thomas Alsagar, Francis Agard, James Aspinal, Jona-

Proprietors.

than Atherſtone, Matthias Atwood, Thomas Allen, Charles Allen, Charles Allen junior, Richard Allen, Samuel Archer, John Aſhton, William Auſtin, Junius Baker, Richard Baker, John Bailey, Samuel Bankart junior, Samuel Bankart, John Bankart, Thomas Bankart, James Bankart, Robert Bree M. D. William Beilby, John Bennett, John Berry, Richard Boulton, John Broughton, Boulton, Robert Boſworth, William Biſhop, John Booth, Brown, Thomas Boulton, William Bailey, Edward Bankart, Henry Barnes, Thomas Bates, John Brooke, Elizabeth Bates, Samuel Barratt, Thomas Blount, John Brown, John Billings, William Bellamy junior, Thomas Bree M. D. John Bree M. D. George Sollers Benton, Phillip Box, John Brafield, Henry Bromfield, Joſeph Bailey, John Breedon, William Boſworth junior, George Bown, William Birch, William Ball, Robert Bates, John Birtle, Thomas Bryars, William Bellamy senior, Robert Bree senior, Joſeph Boultbee, the Reverend Thomas Bree, Joſeph Burbidge, George Boſworth, Richard Burton, Francis Breedon, Thomas Brewſter junior, William Belgrave, John Burford, Catherine Walker Burford, William Burdett, Thomas Bull, the Reverend Bullivant, John Buirch, William Blower, John Booth, William Butlin, Thomas Barber, Thomas Bull, William Buck, Robert Bunney, Jonathan Buzzard, Richard Burdet, David Burdet, William Babington Clerk, William Burbidge, Thomas Burton, the Reverend Nathaniel Bramley, Joſeph Burbidge junior, William Cox, Samuel Clarke, Hamlet Clarke, John Edward Carter, John Cartwright, John Coltman, Joſeph Clarke, Thomas Cox, William Cope, Cooke, Job Clarke, William Chance, Henry Coleman, George Cockle, Thomas Clarke, William Cox junior, John Cradock, Joſeph Spencer Cardale, William Chatteris, Andrew Carpendale, Edward Cowleſhaw, John Cope, William Clarke, William Cole, Thomas Cooke, William Cradock, Waſtill Cliff, George Carr, William Corniſh, William Coleman, Henry Coleman, Henry Carrick, Richard Cooper, Thomas Chapman, Mathew Chater, Dennis Clipſham, John Clarke, William Cole, William Cox, Henry Cooke, Anthony Carr, John Caldecott, James Cort, Thomas Cooper, Henry Coleman junior, James Cooke, William Cockayne, William Coleman, Robert Cort, Benjamin Cort, Thomas Cobley junior, Samuel Clay, Joſeph Chapman, Thomas Charlton junior, John Clarke, Henry Cooper, Thomas Dawſon, James Docker, John Downing, James Douglas, William Dickinſon, Thomas Dickenſon, Benjamin Dowley, Jane Dexter, Richard Dowler, Thomas Deakin, William Dabbs, Joſeph Dulton, S W Denny, Samuel Dumbleton, John Day, John Dawſon, Benjamin

Dickens, John Driver, John Eames, Thomas Evans, Thomas Ewbank junior, John Ellis, Edward Evans, William Elverſton, Edward Eagle, Joſeph Eldridge, Michael Ella, William Fillingham, the Reverend George Foſter, William Firmadge, John Fox, William Falkner, Thomas Falkner, the Reverend John Fiſher, Thomas Freer, William Freer, Thomas Freer, Robert Flower, William Fell D. D. Richard Fox ſenior, Edmund Ford, Mary Froſt, Jane Freeman, John Farr, Samuel Foſbrooke, John Fox, Jonathan Foſter, Fryer, John Flavel, Richard Fox junior, John Franks, Edward Smith Foſs, Thomas Goodwin, William Goodman, Tobias Green, Elizabeth Green, Gabriel Greaſley, John Goodwin, Henry Glavener, John Geary, Edward Gurney, William Gardner, Thomas Grundy, Jonathan Grundy, the Reverend Goodman, Thomas Goodman, Thomas Gurden, William Grant, H Green, B Green, George Gill, James Goddard, John Goodman, Benjamin Gregory, George Gurney, William Gurney, Samuel Goward, Thomas Green, John Goodwin, John Goode, Thomas Garner, Thomas Garner junior, Ann Goodman, Robert Goode, William Gregory, William Greene, John Green, Edward Oakley Grey, John Peach Hungerford, the Reverend Samuel Heyrick, William Fiſher Hulſe, Richard How, David Harris, Edward Harris, Henry Hind junior, William Hind, Joſeph Humfrey, John Hawkins, Joſeph Hutchins, Richard Homer, Thomas Hawkes, Thomas Higginſon, Robert Hind, George Hunt, William Heyrick, George Henton ſenior, John Hall, William Hill, Arthur Homer Clerk, Charles Horton, John Hughes, Harry Hunt, William Hunt, John Holmes, Thomas Holloway, John Hodgſon, Jane Harris, Mary Harding, Thomas Hallick, Thomas Homer, Edward Harriſon junior, John Huſkinſon, Samuel Huſkinſon, William Hardy, George Holloway, William Richard Haynes, Harrod, James Hinckley, Thomas Haſledine, George Henton junior, Charles Hill, Abraham Hawkes, William Hughes, Richard Hawkes, Thomas Hill, George Harrod, Hand, John Hopkins, William Horton, Robert Benjamin Heygate, Thomas Hill, John Holwell, John Hall, William Homer Clerk, Edward Homer, Clay Hextall, John Harding, Richard How, Elizabeth Herbert, Thomas Inkerſole, Joſeph Inkerſole, Robert Johnſon, the Reverend Nathaniel Palmer Johnſon, William Inkerſole, John Jackſon, Thomas Jones, Thomas Jones, Thomas Jackſon, Penelope Johnſon, Martha Jeffcutt, Richard Jervis, George Ireland, John Iliff, Edward Inge, Thomas Jeffcutt, Thomas King, Charles King, Joſeph Katterns, John Kinton, John Kettleby, William Kendall,

Kendall, John Kendall, William Keightley, Edward Kinſey, William King, the Reverend William Southworth Lee, Colwell Langdon, Thomas Lockwood, Thomas Leach, George Luck, John Lawton, Edward Dewick Lawton, Thomas Lee, William Lee, George Lockwood, Thomas Lacey Ford, George Lomas, Johnſon Lee, Hannah Loake, John Leach, Lebeus Lewin, Joſeph Letts, Hannah Lewis, Martin Lucas, Daniel Lowe, Jeremy Lowe, Jeremy Lowe junior, William Lawrance, Charles Latham junior, William Jeffery Lockett, Benjamin Linney, George Lee, William Latham, Thomas Lockwood junior, William Maſon, Mathew Moore, John Martin, Charles Milward, Thomas Morris, John Marriott, John Morpott, James Morpott, Henry Martin, Richard Mitchell, Samuel Milner, William Marſh, William Mawſon, John Moore, the Reverend Nathaniel Mapletoft, Henry Morris, Edmund Moore, William Marſh junior, the Reverend Francis Mead, Matthias Moggridge, John Mansfield, Chriſtopher Moore, William Stain, Henry Moore, Henry Morris, Thomas Marſhall, Edward Marſton, Robert Miller, Edward Martin, Thomas Miller, William Marſh, Thomas Miller, Sarah Morris, John Nichols, Thomas Nixon, Samuel George Noble Clerk, Edward Nethercoat, James Nutt, Thomas Nethercoat, William Newby, John Baſs Oliver, William Oldham, Thomas Orme, Samuel Oliver, William Orme, Peter Oliver, David Oſwin, Thomas Weſtley Oldham, John Owſley, William Parſons, William Pebody, William Pulford, John Price, Michael Payne, John Porter, Thomas Palmer, Edward Parker, William Payne, Ann Pearſon, Hugh Parry, James Poynton, Thomas Pollard, Elizabeth Parker, Jane Parker, Nathaniel Pearce, William Palmer, John Philip Perry, Ambroſe Platt, George Pearſon, William Atkins Pinckard, Edward Poole, Thomas Pettifer, John Paddy, Rogers Ruding, William Read, Thomas Read, Thomas Ratten, Benjamin Ruſſell senior, William Richards, Thomas Richards, the Reverend Thomas Reynolds, Henry Richards, James Richards, Rowland Rouſe, William Rabone, Samuel Rabone, Thomas Richards, John Radcliffe, Thomas Ruſſell, Benjamin Ruſſell junior, David Read, Thomas Ruſſell, J H Rann, Thomas Rutherford, Benjamin Sutton, Nathaniel Shuttleworth, Thomas Swinburn, John Stevenſon, Joſeph Smith, John Saywell, Hugh Scott, William Sheppard senior, Richard Stevens, Charles Smith, Thomas Saxelby, Joſeph Springthorpe, Hannah Sanderſon, Thomas Sheppard, Thomas Stretton, Benjamin Sanſon, John Sturgis, George Sutton, John Shuckbrough, Joſeph Sully, Stephen Segar, Richard Stevens, William Sprigg, George Stableford, James Smith,

Smith, Hannah Simons, John Seymour, William Slater, Edmund Swinfen, Robert Simpſon, Sarah Sheppard, John Smith, Steward Stevenſon, Samuel Smith, Elizabeth Shepherd, Joſeph Sturges, Abraham Samuel, John Smith, Breſton Simpſon, William Shepherd junior, Chriſtopher Smith, James Simpſon, Edward Swann, Chriſtopher Staveley, H · Simpſon junior, Joſeph Souter, Thomas Sharpe, Smith, Ambroſe Smith, Thomas Saddington, Joſeph Scott, Charles Stockdale, Joſeph Simpkin, John Shipley, John Sturgeſs, Elizabeth Tew, William Tompſon, John Talbot, William Twycroſs, Holmes Timſon ſenior, Thomas Treſler, Mary Timſon, William Timſon, Martin Theakſtone, Thomas Taylor, Joſeph Thornton, Edward Taylor, Thomas Towers, William Underwood, Clement Winſtanley, Thomas Wade, William Wartnaby, George Wartnaby, Bentley Warren, John Wilkinſon, Thomas Wartnaby, Thomas While, William Wartnaby junior, Edward Ward, Thomas Woodcock, Richard Woodfield, Edward Wells, Thomas Warner junior, Joſeph Wartnaby, Abraham Walter, Thomas Wright, Joſeph Wallis, Robert Whittle, Edward Webb, John Woodford, Thomas Watchorn, Joſeph Wheatley junior, Joſeph Wheatley, William Walker, John Wright, Thomas Woodcock, Richard Ward, Joſeph Weſt, Richard Walker Clerk, John Wartnaby, S Webſter, Thomas Watchorn, Thomas Wootton, Richard Weſton, Wilſon, Sarah Winlow, Thomas Whatton, Mary Ward, James Wilſon, Charles Warre, John Wall, Charles Weſton, Joſeph Wright, James Wall, Mark Wratiſlavia, Samuel Whittle, William Woodcock, Mary Wynne, John Walker, and Mary Young, together with ſuch Perſon or Perſons, Bodies Corporate and Collegiate, as they, or the major Part of them preſent at the First General Aſſembly to be holden for the Purpoſes of this Act, ſhall nominate and appoint, under their Hands, and the ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns of the ſaid Perſons herein-before named, and of the Perſon or Perſons ſo to be nominated and appointed, being Proprietor or Proprietors of any Share or Shares in the Navigation, Canal, and Collateral Cut hereby authorized to be made, ſhall be and are hereby united into a Company for the better carrying on, making, compleating, and maintaining the ſaid intended Navigation, Canal, and Collateral Cut paſſable for Boats, Barges, and other Veſſels, according to the Rules, Orders, and Directions herein-after mentioned and expreſſed, and ſhall for that Purpoſe be One Body Politick and Corporate, by the Name and Stile of The

Incorporated.

Their Stile.

Company of Proprietors of the *Leiceſterſhire* and *Northamptonſhire Union Canal*, and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall and may ſue and be ſued, and alſo ſhall and may have Power and Authority to purchaſe Lands, Tenements, and Hereditaments, to them and their Succeſſors and Aſſigns, for the Uſe of the ſaid Navigation, Canal, and Collateral Cut, and the ſeveral Works hereby authorized to be made, and other Purpoſes herein-after mentioned, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and alſo to ſell any of the Lands, Tenements, or Hereditaments purchaſed for the Purpoſes aforeſaid; and the ſaid Company are hereby authorized and impowered, by themſelves, their Deputies, Agents, Officers, and Workmen, from and after the Firſt Day of May One thouſand ſeven hundred and ninety-three, on which Day this Act ſhall commence and take Effect, to make, complete, and maintain the ſaid River Soar navigable for Boats, Barges, and other Veſſels, with proper Cuts and Deviations by the Sides thereof, from, and to communicate with the Leiceſter Navigation now making at the Termination thereof, at or near the Weſt Bridge, in the Pariſh of Saint Mary aforeſaid, through the ſaid Pariſh of Saint Mary, and through Part of the Pariſh of Braunſton, in the ſaid County of Leiceſter, and of the Pariſh of Aileſton aforeſaid, to or near to the ſaid Bridge called Aileſton Bridge, and from thence to make, complete, and maintain a Canal navigable for Boats, Barges, and other Veſſels from or near the ſaid Bridge called Aileſton Bridge, through the ſeveral Pariſhes, Townſhips, Hamlets, or Places of Aileſton aforeſaid, and of Little Glenn, Wigſton Magna, Newton Harcourt, Glen Magna, Burton Overy, Kibworth Harcourt, Kibworth Beauchamp, Fleckney, Saddington, Smeeton, Smeeton Weſterby, Gumley, Foxton, Lubenham, and Theddingworth, all in the ſaid County of Leiceſter, and of Hothorpe, Marſton Truſſel, Clipſton, Eaſt Farndon, Oxendon Parva, Oxendon Magna, Kelmarſh, Maidwell, Lamport, Hanging Houghton, Cotteſbrooke, Creaton, Spratton, Chapel Brampton, Church Brampton, and Dallington, all in the ſaid County of Northampton, there to communicate with the River Nen, otherwiſe called The Northern River, and to proceed along the ſaid River by Means of widening, deepening, and cleanſing the ſame, to a Point in the Pariſh of Saint Peter, in or near to the Town of Northampton, and from thence to make, complete, and maintain a Canal navigable

Powers

navigable for Boats, Barges, and other Veſſels through the ſaid Pariſh of Saint Peter, and the Pariſhes of Duſton and Hardingſtone, both in the ſaid County of Northampton, to and into another Part of the ſaid River Nen, and there to croſs the ſaid River Nen to join and communicate with the ſaid intended Branch of the ſaid intended Canal from the Oxford Canal Navigation at Braunſton to join the River Thames at New Brentford aforeſaid; and to make, complete, and maintain a Collateral Cut or Canal navigable for Boats, Barges, and other Veſſels, from the before mentioned Canal in the Pariſh of Lubenham aforeſaid, into or through the ſeveral Pariſhes, Hamlets, Townſhips, or Places of Lubenham aforeſaid, and Great Bowden, both in the County of Leiceſter, to or near to the ſaid Town of Market Harborough; and to ſupply the ſaid intended Navigation, Canal, and Collateral Cut, whilſt making, and at all Times for ever, after the ſame ſhall be made, with Water from the ſaid River Soar, and from all Rivers, Brooks, Springs, Streams, Rivulets, and Watercourſes which ſhall be found in digging or making the ſaid Navigation, Canal, and Collateral Cut, or any of them, or within the Diſtance of Two Miles from the Head Level of the ſaid intended Canal and Collateral Cut, or within the Diſtance of One Mile from any other Part of the ſaid Navigation, Canal, or Collateral Cut, or any of them, (ſave and except as herein-after is mentioned), or from any Reſervoir or Reſervoirs to be made by virtue of this Act: And the ſaid Company of Proprietors hereby incorporated are hereby alſo authorized and impowered, by themſelves, and their Deputies, Agents, Officers, and Workmen, to make One or more Reſervoir or Reſervoirs, for the Purpoſe of ſupplying the ſaid Navigation, Canal, and Collateral Cut, or any Part or Parts thereof, with Water, except as herein-after is excepted; and alſo ſuch and ſo many Soughs, Tunnels, Feeders, Aqueducts, and Channels as they ſhall think fit for ſupplying the ſaid Navigation, Canal, and Collateral Cut, or Reſervoirs with Water, and for conveying Water from any ſuch Reſervoir or Reſervoirs, to the ſaid Navigation, Canal, or Collateral Cut; and alſo to cleanſe, ſcour, cut, dig, open, deepen, enlarge, or ſtraighten all Streams, Brooks, or Watercourſes which come or may be brought into or made to communicate therewith reſpectively; and to dig, cut, or raiſe the Banks of the ſaid River Soar, or of any other the Streams, Brooks, and Watercourſes aforeſaid, for bringing Water into the ſaid Navigation, Canal, and Collateral Cut, or Reſervoirs, or any of them; and to

make such proper Trenches or Passages for Water in, upon, or through the Lands adjoining or near the said intended Navigation, Canal, and Collateral Cut, or Reservoirs, or any of them, or such Streams, Brooks, or Watercourses as aforesaid, or any of them, as shall be necessary or proper for effecting the Purposes of this Act; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Agents, Officers, and Workmen, are hereby authorized and impowered to enter into and upon the Lands or Grounds of any Person or Persons, Bodies Politick, Corporate, or Collegiate whatsoever, and to survey and take Levels 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 Navigation, Canal, and Collateral Cut; and any such Reservoir or Reservoirs, Feeders, or Aqueducts, and all such other Works, Matters, and Conveniencies as they shall think proper and necessary for making, preserving, improving, compleating, maintaining, and using the said intended Navigation, Canal, and Collateral Cut, and other Works; and also to bore, dig, cut, trench, sough, get, remove, take, and carry away, and lay Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said intended Navigation, Canal, and Collateral Cut, or other Works, or in making any Reservoir or Reservoirs, Feeders or Aqueducts, or out of the Lands or Grounds of any Person or Persons adjoining or lying convenient thereto, and which may be necessary, requisite, or proper, for making, carrying on, continuing, maintaining, or repairing the said intended Navigation, Canal, Collateral Cut, or other Works, or which may hinder, prevent, or obstruct, the making, using, or compleating, extending, and maintaining the same respectively, or the making, using, compleating, extending, or maintaining of such Reservoirs as aforesaid, or of any such Feeders, Trenches, Passages, Aqueducts, and Watercourses as aforesaid, as shall be deemed necessary or proper to convey Water to or from the said intended Navigation, Canal, and Collateral Cut, and Reservoirs, or any of them; and also to make, build, erect, and set up, in or upon the said intended Navigation, Canal, and Collateral Cut, or other Works hereby authorized to be made, or any of them, or upon the Lands adjoining or near the same respectively, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Locks, Flood Gates, Weirs, Pens for Water,

Water

Water Stanks, Reservoirs, Dams, Drains, Wharfs, Quays, Houses, Warehouses, Toll Houses, Watch Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, Dry Docks, and other Works, Ways, Roads and Conveniencies, as and where the said Company of Proprietors shall think requisite or convenient, for the Purposes of the said Navigation, Canal, Collateral Cut, and other Works, or any Part thereof; and also from Time to Time to alter, repair, and amend, or discontinue the same, and to divert, alter, widen, enlarge, and extend, any Bridges, Ways, Roads, Passages, Cuts, Locks, Soughs, Tunnels, Reservoirs, Aqueducts, Trenches, Sluices, or other Works and Conveniencies, as well for the carrying and conveying of Coals, Stones, and other Minerals, Goods, Wares, Merchandizes, and other Things, to and from the said intended Navigation, Canal, and Collateral Cut, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said intended Navigation, Canal, and Collateral Cut, and the Works of or belonging thereto, or useful for any Purpose therein; and also to place, lay, work, or manufacture the said Materials on the Lands or Grounds near to the Place or Places where the said Works, or any of them, shall be, or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said intended Navigation, Canal, and Collateral Cut, or the Reservoirs, Tunnels, Aqueducts, Soughs, Trenches, Passages, Feeders, Watercourses, and Sluices respectively, which shall communicate therewith; and also to make, set out, and appoint such Towing Paths, Banks, Roads and Ways, convenient for towing, haling, or drawing of Boats, Barges, and other Vessels, passing upon the said intended Navigation, Canal, or Collateral Cut, with Men, Horses, or otherwise, and proper Places for Boats, Barges, and other Vessels navigated upon the said intended Navigation, Canal, or Collateral Cut, to turn, lie, or pass each other, as they the said Company of Proprietors shall think convenient; and to construct, erect, and keep in repair, any Piers, Arches, Aqueducts, and other Works, in, upon, and across any Rivers or Brooks, for the making, using, maintaining, and repairing of the said intended Navigation, Canal, and Collateral Cut, and Trenches, and the Towing Paths on the Sides thereof; and also to con-

struct,

ſtruct, erect, make, and do, all other Matters and Things which they ſhall think convenient and neceſſary, for the making, effecting, extending, preſerving, improving, compleating, and uſing the ſaid intended Navigation, Canal, and Collateral Cut, and other Works, in purſuance of and according to the true Intent and Meaning of this Act, they the ſaid Company of Proprietors, their ſeveral Deputies, Agents, Officers, and Workmen, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and making Satisfaction, in Manner herein-after mentioned, to the Owners and Proprietors of and other Perſons intereſted in any Lands, Tenements, or other Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, which ſhall be taken, uſed, removed, diverted, or prejudiced, for all Damages to be by them ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Company of Proprietors, and their Deputies, Agents, Officers, and Workmen, and all other Perſons whomſoever, for what they, or any of them, ſhall do by virtue of the Powers hereby granted, ſubject to ſuch Proviſoes and Reſtrictions as are herein-after mentioned.

No Reſervoir to be made, except in the Place deſcribed in the Plan.

II. Provided always, and be it hereby enacted, That no Reſervoir ſhall be made in any Place which is not deſcribed in the Plan hereby required to be authenticated by the Speaker of the Houſe of Commons, without the Conſent in Writing of every Proprietor of Lands on which ſuch Reſervoir is intended to be made being firſt had and obtained.

To make the Canal as far as conveniently may be from *Maidwell Hall*.

III. And be it further enacted, That the ſaid Company of Proprietors in making the ſaid Canal through the Lordſhip of Maidwell aforeſaid, ſhall cut and make the ſame as near as may be to the Rivulet or Run of Water which divides the Pariſh of Maidwell aforeſaid from the Pariſh of Draughton, and as far as poſſible from the Manſion Houſe belonging to John Peach Hungerford Eſquire, called Maidwell Hall.

To prevent the Canal being made within a certain Diſtance from Mr. *Hanbury*'s Manſion Houſe at *Kelmarſh*.

IV. Provided alſo, and be it further enacted and declared, That it ſhall not be lawful for the ſaid Company of Proprietors, or any other Perſon or Perſons acting under or by virtue of their Authority, or under or by virtue of the Authority of this Act, to make the Line, Courſe, or Direction of the ſaid intended Canal, or any Part or Parts thereof, nearer to the Manſion Houſe of the ſaid William Hanbury, in Kelmarſh aforeſaid, than the Diſtance of Four hundred and forty Yards, without the Conſent in Writing of the ſaid William Hanbury,

bury; his Heirs or Assigns, Owners of the said Mansion House for the Time being, for that Purpose first had and obtained, any Thing in this Act contained to the contrary thereof notwithstanding.

Description of the Line of Canal through Part of Mrs. *Maior*'s Property at *Little Glen*.

V. Provided always, and be it further enacted and declared, That nothing in this Act contained shall extend, or be construed to extend, to impower or enable the said Company of Proprietors, their Successors or Assigns, in making that Part of the said intended Canal or Navigation which shall pass through the Lands and Grounds of Mary Maior Widow, in Little Glen aforesaid, to take the same in any other Manner or Direction than as near as conveniently may be to the Fence along Cullam Lane, at the Bottom of certain Closes called Glen Hills and Flaxleys, and also as near as conveniently may be to the Fences at the lower Part of certain other Closes called Long Close, Round Close, and Kirkdale, without cutting into a certain Meadow below the said last-mentioned Closes called Long Meadow, in the Occupation of Richard Bruin Freer, except at the North-east Corner thereof into the Lands of John Pochin.

No Water to be taken from the Springs belonging to Lady *Denbigh*.

VI Provided always, and be it further enacted, That it shall in no case be lawful for the said Company of Proprietors, their Agents, Servants, or Workmen, or any other Person, under Colour or Authority of this Act, to divert or take, in any Manner whatsoever, for the Use or Supply of the Navigation, or other Works intended to be made or executed by virtue of this Act, or any of them, or for any other Purpose whatsoever, any Water from or out of any of the Brooks now upon, or running through, or by the Side of or contiguous to any of the Estates belonging to the Right Honourable Sarah, Countess of Denbigh, or any of the Springs, Streams, or Watercourses, by which the said Brooks, or any of them, are or is now supplied with Water; and also that it shall in no Case be lawful for the said Company of Proprietors, their Agents, Servants, or Workmen, or any other Person or Persons, under Colour or Authority of this Act, to make or use any Towing Path for or on Account of the said Navigation, upon any Part of the said Estates of the said Countess, on the Side of such Navigation next to the Mansion House at Wistow, in the said County of Leicester, belonging to her, called Wistow Hall, nor, without the Consent in Writing of the Owner for the Time being of such Mansion House, to make, erect, use, or continue any Wharf, Quay, Weighing Beam, Landing Place, Warehouse, or Reservoir, or any Building or Engine whatsoever, within Sight from

from the said Mansion House, or any of the Gardens or Pleasure Grounds belonging to or used with the same.

For preventing the Water being taken from *Kelmarsh Brook* to the Prejudice of Mr. *Hanbury*'s Estate.

VII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors, or any other Person or Persons acting under or by virtue of their Authority, or under or by virtue of the Authority of this Act, to divert or take, in any Manner whatever, for the Use or Supply of the Navigation or other Works intended to be made or executed by virtue of this Act, or any of them, or for any other Purpose whatsoever, any Water from or out of the Brook which runs through the Estates belonging to William Hanbury Esquire, in Kelmarsh aforesaid, commonly called Kelmarsh Brook, or any of the Springs, Streams, or Watercourses, by which the said Brook is supplied with Water, until the same shall have passed through the same Estates of the said William Hanbury in Kelmarsh aforesaid, without the Consent of the said William Hanbury, his Heirs or Assigns, Owners of the said Mansion House at Kelmarsh aforesaid for the Time being, in Writing first for that Purpose had and obtained.

Not to take the Springs in the Estate of *Thomas Pares* Esquire.

VIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or give any Power or Authority whatsoever to the said Company, or any other Person or Persons, to divert or take, in any Manner whatsoever, for the Use, Supply, or otherwise for or on Account of the said intended Navigation, any Water from or out of any of the Brooks, Ponds, or Pits now in, upon, or running through, or by the Side of, or contiguous to any of the Closes, Lands, or Grounds of Thomas Pares Gentleman, in the Lordships or Liberties of Great Oxenden and Little Oxenden aforesaid, or either of them, or any of the Springs, Streams, or Watercourses by which the said Brooks, Ponds, or Pits, or any of them, are or is now supplied with Water at any Time after the Navigation shall be made through the same, except at such Times only as shall be necessary for the Repairs of the Works from Time to Time; and that it shall not in any Case be lawful for the said Company of Proprietors, their Agents, Servants, or Workmen, or any other Person or Persons, under Colour or Authority of this Act, to make or use any Towing Path for or on Account of the said intended Navigation upon any other Part of the said Closes, Lands, or Grounds, than on the Northward, North-eastward, and Eastward Sides of such intended Navigation, nor to make the said intended Navigation through such Closes, Lands, or Grounds, on any other, than as low a Level as the Nature of such intended Navigation will permit to be done;

and that it shall not be lawful for the said Company, without the Consent of the said Thomas Pares, or the Owner or Owners of such Closes, Lands, or Grounds for the Time being, at any Time between the First Day of May and the First Day of October in any Year, to proceed in cutting through such Lands or Grounds, or carrying on their Works through the same, except only on such Parts thereof, if any, where they may have Occasion to erect or make a Lock or Locks; and that notwithstanding any of the Directions herein contained, it shall not be lawful for the Commissioners herein-after appointed, in case of the Sale of any Part of such Closes, Lands, or Grounds, for the Purpose of the said intended Navigation, to assign or give any Part or Share of the Purchase Money for the same to any Tenant of any of such Closes, Lands, or Grounds, but make such Tenant a Satisfaction in lieu thereof, during the Continuance of his Interest therein, by an Abatement of the Annual Rent such Tenant had theretofore paid for the Closes, Lands, and Grounds rented by him.

For ascertaining the Average Quanti y of Water in *Kelmarsh* and *Oxendon* Brooks.

IX. And be it further enacted, That for the Purpose of ascertaining the Average Quantity of Water flowing in such common Seasons down the said Brooks, called Oxendon Brook and Kelmarsh Brook respectively, the Quantity of Water which shall pass or flow down the same Brooks respectively shall, at the Costs and Charges of the said Company of Proprietors, be respectively measured, or otherwise ascertained, by the Engineer of the said Company of Proprietors for the Time being, or such Person as he shall appoint, and such other Engineer as William Hanbury of Kelmarsh aforesaid Esquire, his Heirs or Assigns, Owners of his said Mansion House at Kelmarsh aforesaid for the Time being, shall appoint, at Three different Times, (that is to say), in the respective Months of May, July, and September, in the Year One thousand seven hundred and ninety-three, on such Day in each of those Months respectively as shall be fixed by such Engineer of the said Company of Proprietors, or the Person so by him to be appointed as aforesaid, of each of which Days in the several and respective Months herein-before mentioned, such Engineer of the said Company of Proprietors, or the Person so by him to be appointed as aforesaid, is hereby required to give Ten Days Notice at least to the said William Hanbury, his Heirs or Assigns, Owners of the said Mansion House at Kelmarsh aforesaid for the Time being, or the Engineer so to be appointed as aforesaid; and that the Average Quantity of Water, to be ascertained in Manner herein-before directed, shall be

be deemed the Average Produce or Quantity of Water of the same Brooks respectively in common Seasons; and that a Certificate of such Average Quantity of Water, signed by such Engineer of the said Company of Proprietors, or such Person to be by him appointed as aforesaid, and the said Engineer to be appointed by the said William Hanbury, his Heirs or Assigns as aforesaid, shall be recorded at the first General Quarter Sessions of the Peace to be holden for the said County of Northampton next after such Average Quantity of Water shall be ascertained as herein directed; and that a Copy of such Record, signed by the Clerk of the Peace for the said County of Northampton, shall at all Times hereafter be legal Evidence of the same in any Court of Law or Equity: Provided, that in case the said Company of Proprietors, or the said William Hanbury, his Heirs or Assigns, shall be dissatisfied with the Admeasurement so taken as aforesaid, as having been taken in an uncommonly wet or an uncommonly dry Season, then the said Company of Proprietors, or the said William Hanbury, his Heirs or Assigns, so being dissatisfied, shall and may, within Six Months next after such Admeasurement shall have been taken, appeal to the said Commissioners, or any Five or more of them, who, if they shall think such Admeasurement unsatisfactory, shall order other Admeasurements to be taken, until they the said Commissioners shall be satisfied that the true Average Quantity is ascertained, as near as may be, according to the true Intent and Meaning of this Act.

For preserving a proper Quantity of Water in *Kelmarsh* and *Oxendon* Brooks.

X. Provided also, and be it further enacted, That nothing in this Act contained shall extend to authorize or impower the said Company of Proprietors, their Agents, Servants, or Workmen, or any other Person or Persons whomsoever, to diminish the Quantity of Water flowing or passing down the several Brooks or Streams of Water called Kelmarsh Brook and Oxendon Brook, or either of them, so as at any Time to reduce the same below the Average Quantity of Water passing down the same several Brooks or Streams in common Summer Seasons; and that the said Company of Proprietors, their Agents, Servants, or Workmen, shall not at any Time divert or turn any Water from the said Brooks or Streams, or either of them, into the said Canal, or any Reservoir or Reservoirs, except at such Times when there shall flow down the said Brooks or Streams respectively a larger Quantity of Water than shall be ascertained in Manner herein-before mentioned to be

the Average Quantity of Water flowing down the same respectively in common Summer Seasons.

Not to diminish the Water of the Cotton Mill at *Northampton*.

XI. And whereas Joseph Mico Gibson and John Forbes are the Lessees and Occupiers of a Cotton Mill, formerly an ancient Grist Mill, and the Works appurtenant thereto, situated on the aforesaid River Nen, in the Parish of All Saints, in the Town of Northampton; and it is proposed and agreed by the said Company of Proprietors to make the said intended Canal to pass into and through that Part of the River Nen which constitutes or forms the Pond of the said Mill, and from a certain Point in the said Mill Pond, to pass by Means of a certain Embankment to be for that Purpose erected and made into, through, and over certain Meadows, and thereby connect the said intended Navigation with a Branch of an intended Canal to be called The Grand Junction Canal, falling into another Part of the said River Nen, called The Western Water: And whereas it is also proposed and intended by the said Company of Proprietors to lock down out of the said Mill Pond at the most convenient Point, distant One hundred Yards at the least from the said Mill, into the Back Water of the said Cotton Mill, in order to form a Junction between the said intended Canal and the present navigable Part of the said River Nen; be it further enacted, That it shall in no Case be lawful for the said Company of Proprietors, their Agents, Servants, or Workmen, or any other Persons, under Colour or Authority of this Act, to divert or take, for any Purpose whatsoever, any Water from and out of any Streams or Brooks by which the said Mill Pond is now fed and supplied with Water; and further, that the said Company of Proprietors, in making the Embankment aforesaid from the Pond of the said Mill, into, through, and over the said Meadows, shall cause the Banks thereof to be erected and made as high at the least as the present Banks of the said Pond of the said Cotton Mill now are, and shall not nor will, in any Part of the said Mill Pond or Embankment aforesaid, make or cause to be made any Lowshot or Weir at a less Height than Twelve Inches above the Level of the present Lowshot or Weir of the said Mill, and shall also cause Banks and Weirs of an equal Height to be erected and made in that Part of the Western Water with which the said Mill Pond shall be connected by Means of the Embankment aforesaid.

To erect a Gate for the Use of the Cotton Mill at *Northampton*.

XII. And whereas, by Means of the Line of Navigation aforesaid, the Pond of the said Cotton Mill, and the Pond of a certain other Mill called The Cotton End,

or

or Burnt Mill, will be connected together, which might occasion great Loss and Inconvenience: For the Prevention and Remedy whereof, be it enacted, That the said Company of Proprietors shall erect, place, and continue a Gate in that Part of the said Canal next the Western Water, in order that the Occupiers of the said Cotton Mill for the Time being, and the Occupiers of the said Cotton End or Burnt Mill, may shut the same when it shall become necessary so to do, by Reason of the Owners or Occupiers of the said respective Mills drawing down their Water.

To erect a Stank or Weir near the Cotton Mill, at *Northampton*.

XIII. And whereas it may hereafter be necessary for the Owners or Occupiers of the said Cotton Mill, for the Purpose of repairing the same or otherwise, to draw down the Water of the said Mill Pond, whereby the said Navigation might be interrupted and injured; be it further enacted, That the said Company of Proprietors, upon Notice in Writing to be for that Purpose given by the Owners or Occupiers of the said Cotton Mill for the Time being, to the Clerk of the said Company of Proprietors for the Time being, shall immediately put and place a proper Stank, Weir, or Dam across the said Mill Pond, in order that the said Proprietors of the said Cotton Mill may be enabled, as Need may be or Occasion require, to draw down the Water of the said Mill Pond between the said Stank, Weir, or Dam, and the said Mill.

To indemnify Proprietors of the Cotton Mill for Loss of Time.

XIV. And be it further enacted, That if the said Company of Proprietors shall find it necessary, during the making or repairing of the said Canal, to stop the said Manufactory of the said Joseph Mico Gibson and John Forbes, by drawing down their Water or otherwise, whereby the said Mill may be prevented from working, that then, and in such Case, the said Company of Proprietors shall allow unto the said Joseph Mico Gibson and John Forbes, at the Rate of One Pound Five Shillings per Day for every One hundred Spindles they the said Joseph Mico Gibson and John Forbes may have fixed and actually employed in the said Mill at the Time of the working of the said Manufactory being so interrupted as aforesaid, such Allowance to be continued and made until the said Mill shall be again enabled to work.

To enable the Proprietors of the Cotton Mill to scour Drains.

XV. And be it further enacted, That the Owners or Occupiers of the said Cotton Mill and Works for the Time being shall from Time to Time, and at all Times hereafter, from and after the Commencement of this Act, have such Right, Power, and Authority to cleanse and scour out, or cause to be cleansed and scoured out, all and every the Drains, Watercourses, and Passages leading

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ing from the Tail of the said Mill, or that Branch of the River Nen lying below the same, as the said Owners or Occupiers of the said Cotton Mill or Works had before the Commencement of this Act, any Thing in this Act contained to the contrary thereof notwithstanding; and the said Company of Proprietors shall, at their own proper Costs and Charges, appoint and keep a fit and proper Person to attend at the said Lock as the Keeper thereof, and to prevent Damage happening from the Negligence of Boatmen, and others passing through the same.

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

XVI. Provided always, and be it further enacted, That nothing herein-before or herein-after contained shall authorize or impower the said Company of Proprietors, or any other Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Navigation, Canal, or Collateral Cut, or any other of the Purposes aforesaid, any House or other Building which was erected and built on or before the First Day of September One thousand seven hundred and ninety-two, or any Land or Ground which, on the said First Day of September, was a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners thereof, other than and except as follows; (that is to say), Two Baths and a Garden belonging to and in the Occupation of John Hind; an Orchard belonging to and in the Occupation of Robert Flower; a Barn belonging to the Corporation of Leicester, in the Occupation of Samuel Chatwin, all situate in the Parish of Saint Mary aforesaid; an Orchard, vested in Daniel Macnamara and Daniel Robinson, Esquires, as Trustees under the Will of the late Duke of Saint Albans, and in the Occupation of Joseph Lewis, in the Parish of Wigston Magna aforesaid; a Barn belonging to Robert Haymes Esquire, in the Occupation of John Cobley, in the Parish or Township of Smeeton or Smeeton Westerby aforesaid; a Yard or Orchard belonging to Roger Nethercoat, in the Occupation of John Glover, situate in the Parish of Oxendon Magna aforesaid; and a Garden belonging to Samuel Isted Esquire, in the Occupation of William Walton, situate in the Parish of Chapel Brampton aforesaid, which are meant and intended to be made Use of for the Purposes of this Act.

Breadth of Canal and Towing Paths.

XVII. And be it further enacted, That the Lands and Grounds to be taken or used for such Navigation, Canal, and Collateral Cut, and for the Towing Paths thereto, and the Ditches, Drains, and Fences to separate such

Towing Paths from the adjoining Lands, shall not exceed Twenty Yards in Breadth, except in such Places where any Docks, Basons, Reservoirs, or Pens of Water shall be made, or where the said Navigation, Canal, or Collateral Cut, or any Part thereof, shall be raised higher or cut above Five Feet deeper than the present Surface of the Land, and except in such Places where it shall be judged proper by the said Company for Boats and other Vessels to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weighing Beams may be erected, or where any Wharfs or other Places may be set out or appropriated for the Reception of any Coals, Lime, Limestone, or other Minerals, Timber, or other Goods, Wares, or Merchandizes, which shall be conveyed on the said Navigation, nor in any such excepted Places more than Forty-five Yards in Breadth.

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

XVIII. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to enable the said Company of Proprietors to erect or build any House, Mill, or other Building, (other than Warehouses, Toll Houses, and Watch Houses), for the Use of the said intended Navigation, Canal, or Collateral Cut, or to plant any Trees upon the Lands which shall be set out for the Towing Paths, Wharfs, or Quays, on the Sides thereof, or in the Fences of such Lands; or to convert or employ any Water which shall be brought into or discharged out of the said Navigation, Canal, or Collateral Cut, or any of them, or any Trenches or Sluices hereby authorized to be made for the Use of any Mill or Mills hereafter to be erected near the same, or to cut down any Timberwood, Brushwood, or Underwood, upon any of the Estates or Lands through or into which the said Canal, Collateral Cut, Trenches, Sluices, Roads, Passages, Works, or Conveniences, or any Part thereof respectively, shall be made, except such Timberwood, Brushwood, or Underwood, as shall grow or be in or upon any of the Lands or Grounds which shall be taken or used for the making of the said Canal, Collateral Cut, Towing Paths, Trenches, Sluices, Roads, Passages, or Conveniences respectively as aforesaid; and the Proprietors of the respective Lands and Grounds on which such Timberwood, Brushwood, or Underwood, shall stand or be growing at the Time of the Commencement of this Act, their Heirs or Assigns, shall have it in their Election to take such Timberwood, Brushwood, or Underwood respectively, when felled or cut down by the said Company of Proprietors, at such Price or Value as the same respectively

shall have been estimated at or purchased by the said Company of Proprietors; which said Timberwood, Bushwood, or Underwood, so to be fallen by the said Company of Proprietors, or by their Order, shall and may be carried and conveyed upon any Part of the said Navigation, Canal, or Collateral Cut, free from all Rates to be raised and levied by virtue of this Act, but in case the same shall not have been estimated at or purchased by them upon a Valuation separate and distinct from the Lands or Grounds upon which the same shall respectively grow, then at such Price or Value as shall be agreed on for that Purpose between such Proprietors or Owners of Land and the said Company of Proprietors, or their Agents, or in case of any Difference in settling or ascertaining the same, then at such Price or Value as the Commissioners herein after appointed, or any Five or more of them, shall direct or appoint; and if any House, Mill, or other Building, shall be erected, or any Trees planted as aforesaid, upon any such Lands or Grounds without such Consent as aforesaid, it shall be lawful for the Person or Persons who was or were Owner or Owners of such Lands or Grounds at the Time of setting out the same, his, her, or their Heirs or Assigns, to take, pull down, and remove such Houses, Mills, and other Buildings, or Trees, without being guilty of Trespass, or being liable to any Action or Prosecution for so doing.

No Warehouses, &c. to be built on Mrs *Maior's* Lands in *Little Glen*, without Consent.

XIX. Provided always, and be it further enacted, That it shall in no Case be lawful for the said Company of Proprietors, their Agents, Servants, or Workmen, to make, build, erect, or set up any Warehouses, Watch Houses, Buildings, Quays, Wharfs, Cranes, Weigh Beams, or any other Buildings or Works whatsoever upon any Lands or Grounds which are now the Property of the said Mary Maior Widow, in Little Glen aforesaid, without the Licence and Consent of the Owner or Owners for the Time being of such last-mentioned Lands and Grounds, under his, her, or their Hand and Seal or Hands and Seals, for that Purpose First had and obtained.

If Company take down Mills, they may erect others on the same Head of Water.

XX. Provided always, and be it further enacted, That in case the said Company of Proprietors shall purchase and take down, or make Compensation for the taking down of any Mill or Mills, nothing in this Act contained shall restrain, or be construed to restrain, the said Company of Proprietors, their Successors or Assigns, from building any other Mill in any other Place or Places, in lieu of every such Mill so taken down, to be worked

by

by the same Head or Fall of Water as the Mill so taken down was worked by; and the said Company of Proprietors are hereby impowered to purchase, of any Person or Persons whomsoever, so much Land or Ground as shall be necessary for erecting and building such new Mill or Mills, and Houses for the Residence of the Millers respectively, and sufficient Garden Ground, not exceeding One Acre to each such Mill.

Company to purchase *Saint Mary's Mill*, or build a Bridge over the Cut.

XXI. And whereas by the making of the said intended Navigation the present Way or Passage to a Water-Mill called Saint Mary's Mill, in the Parish of Saint Mary, in or near the Borough of Leicester aforesaid, belonging to Rogers Ruding Esquire, will be taken away; be it further enacted, That the said Company of Proprietors shall and they are hereby required, at the Election and Choice of the said Rogers Ruding, his Heirs or Assigns, or of the Person or Persons entitled to the Freehold or Inheritance of the said Mill, either to purchase the same Mill, in the same Manner as other Lands, Tenements, or Hereditaments, are to be purchased by the said Company of Proprietors under this Act, (and which Mill the said Rogers Ruding is hereby impowered to sell and dispose of absolutely in Fee Simple to the said Company of Proprietors, notwithstanding any Incapacity in him being), and to compleat such Purchase within Six Calendar Months next after the Day of the Commencement of this Act, or else to erect and build, by and at the Expence of the said Company of Proprietors, and for ever hereafter to keep in compleat Repair, a good and sufficient Bridge over such Cut for the Passage of Waggons, Carts, Carriages, Horses, and Foot Passengers, passing to and from the said Mill, which Election and Choice the said Rogers Ruding, his Heirs or Assigns, or the Person or Persons entitled to the Freehold or Inheritance of the said Mill, shall make, by delivering Notice thereof to the Clerk or Clerks of the said Company of Proprietors within Three Calendar Months next after the Day of the Commencement of this Act; and if the said Company of Proprietors shall be required to purchase the said Mill, it shall and may be lawful for the said Company, their Successors or Assigns, to enjoy the same, or to sell the said Mill to any Person or Persons whomsoever, without incurring the Penalties of any of the Statutes of Mortmain.

Company not to purchase *Aylestone Mill*.

XXII. Provided always, and be it enacted, That nothing in this Act contained shall extend to enable the said Company of Proprietors to purchase the aforesaid Mill called

called Aylestone Mill, without the Consent of the Owner of the said Mill.

Surveys and Levels have been taken, Plan and Book of Reference to be authenticated.

XXIII. And whereas divers Levels and Surveys have been taken to ascertain the Practicability of making the said intended Navigable Communications (and a Map or Plan, and a Book of Reference thereto, have been made in consequence of such Levels and Surveys) through, across, under, or over the several Estates, Lands, or Grounds now or late belonging or reputed to belong to such Person or Persons, and such Roads, Rivers, and Brooks as are particularly mentioned in the said Map or Plan, and Book of Reference: It is hereby further enacted and declared, That there shall be Three Parts made of the said Map or Plan and Book of Reference, which shall be certified by the Right honourable the Speaker of the House of Commons, and severally deposited with and kept by the Clerk of the Peace for the County of Leicester, the Clerk of the Peace for the County of Northampton, and the Clerk or Clerks to the said Company of Proprietors for the Time being, to all which all Persons shall have Liberty to resort, and to make Extracts or Copies therefrom, as Occasion shall require, paying to the said respective Clerks after the Rate of Sixpence for every Two hundred Words; and the said Maps or Plans, and Books of Reference, so certified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk or Clerks for the Time being to the said Company of Proprietors, upon Six Days Notice to him or them given for that Purpose, shall from Time to Time produce the said Map or Plan, and Book of Reference, before the Commissioners herein-after appointed, and their Successors, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place, within the said County of Leicester or County of Northampton, to be mentioned in such Notice, in order that the same may be then and there given in Evidence.

Navigation, &c. to be made pursuant to the said Plan and Book of Reference.

XXIV. And be it further enacted, That the said Company of Proprietors, in making the said intended Navigation, Canal, and Collateral Cut, shall not deviate more than One hundred Yards from the Course or Direction specified in the said Map or Plan, and set forth in the said Book of Reference, without the Approbation and Consent in Writing of the Person or Persons to whom the Estates, Lands, or Grounds affected by such Deviation do or shall respectively belong, or without an Order of the Commissioners herein-after appointed, or any Five or more of them, at a Meeting to be held for that Purpose, of which

Fourteen Days Notice in Writing, signed by the Clerk or Clerks for the Time being to the said Company of Proprietors, specifying the Deviation desired to be made, shall be given to the Owner or Owners of such Lands or Grounds; and if at the Time mentioned in such Notice the said Commissioners, or any Five or more of them, shall think it reasonable that such Deviation therein mentioned ought to be made, it shall be lawful for them to make such Order in the Premises as to them shall seem proper, and the said Company of Proprietors shall and may make the said Navigation or Deviations in the Manner mentioned in such Order.

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

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

Bodies Politick impowered to sell and convey Lands.

XXVI. And be it further enacted, That after any such Part or Parts of the said Lands or Grounds shall be so set out and ascertained as aforesaid, for making the said Navigation, Canal, or Collateral Cut, or any Part or Parts thereof, or for providing and constructing the Wharfs, or other Works and Conveniencies herein-before mentioned, or any of them, it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, and Administrators, and all other Trustees or Persons whomsoever, 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 for all Femes Covert, who are or shall be seised, possessed,

or interested, in their own Right respectively, and every other Person or Persons whomsoever, who is or are, or shall be seised, possessed of, or interested, in any Lands, Grounds, or Hereditaments, which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, or convey the same, and every Part thereof, unto the said Company of Proprietors, their Successors or Assigns; and if it shall happen, that by making the said Navigation, Canal, or Collateral Cut, the Property of any Land Owner or Land Owners shall be separated into small Parcels, so as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politick, Corporate, or Collegiate, or other such Land Owner or Owners, to contract for, sell, dispose of, or to convey in Exchange for other Lands, all or any Part of such small Parcels of Land, to any Person or Persons whomsoever, for such Price or Prices in Money, or other Equivalent, as to such Land Owner or Owners shall seem reasonable; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law, to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom, to the contrary thereof in anywise notwithstanding; and all Bodies Politick, Corporate, or Collegiate, and all Persons whomsoever, so conveying or exchanging as aforesaid, are hereby indemnified for or in respect of any such Sale or Exchange which he, she, or they, or any of them, shall respectively make, by virtue or in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be made at the Expence of the said Company of Proprietors, and shall be kept by the Clerk or Clerks to the said Company of Proprietors, and shall be enrolled in One of His Majesty's Courts of Record at Westminster, or with the Clerk of the Peace of the County where such Lands lie, and true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; for which Enrolment, or a Copy thereof, shall be taken the Sum of Sixpence for every One hundred Words, and so in Proportion for any greater or less Number of Words, and no more; and such Clerk or Clerks of the said Company of Proprietors shall from Time to Time, when requested, deliver attested Copies to any Person or Persons requesting the same, which Copies shall be Evidence as aforesaid, and shall have and receive Sixpence for every One hundred Words of such attested Copies, and so in Proportion for any less Number of Words; and every such Conveyance shall be valid and effectual.

Lands separated into small Parcels may be exchanged or sold.

XXVII. And

XXVII. And be it further enacted, That in all Cases where by the effecting of the said Undertaking any Part or Parts of the Lands or Grounds of any Person or Persons whomsoever shall be severed and divided from the other Part or Parts of the Lands or Grounds of such Person or Persons, so as to deprive such Person or Persons, or the Occupier or Occupiers of such Lands or Grounds, of a convenient or proper Means of Access to the same, then, and in every such Case, the said Company of Proprietors shall, and they are hereby required, either to purchase the Lands or Grounds so separated and deprived of a Road as aforesaid (the Purchase Money in such Cases to be settled, adjusted, and levied by such Ways and Means as are herein appointed with regard to other Purchase Monies, and to be apportioned, paid, and disposed of, in the Manner herein directed), or to build and construct, and afterwards to maintain and keep in good and sufficient Repair, a proper Bridge or Bridges at the Costs and Charges of the said Company of Proprietors, for the Convenience of the Owner or Owners, and Occupier or Occupiers of such Lands or Grounds, as the said Commissioners appointed by virtue of this Act, or any Five or more of them, shall think fit and determine, in case such Owner or Owners shall require either such Land to be purchased or a Bridge to be erected for the Use thereof; and that if the said Company of Proprietors shall neglect or refuse, by the Space of Six Calendar Months next after Notice shall be given to them, or the Clerk or Clerks by them appointed, to purchase such Parts of the Lands or Grounds which shall be so deprived of a Road thereto as aforesaid, or to build and construct, and keep in good and sufficient Repair, such Bridge or Bridges, pursuant to a Determination of the said Commissioners, that then, and in every such Case, it shall and may be lawful for the Person or Persons whose Lands are so separated, and who shall have given Notice as aforesaid, to build himself, herself, or themselves such Bridge or Bridges as shall be necessary for the Purpose of making a proper Communication between the different Parts of the Lands so separated, and to recover the Expence of building such Bridge or Bridges from the said Company of Proprietors by the same Way and Remedy as is herein provided for recovering of other Damages done by effecting the Purposes of this Act.

Compelling the Company to purchase Pieces of Land separated by the Canal, or to make a Communication by Bridges.

XXVIII. Provided always, and be it further enacted, That all and every Body or Bodies Politick, Corporate or Collegiate, Trustees or other Persons herein-before capacitated to sell or convey Lands and other Hereditaments,

Satisfaction to be made.

or

or any Owner or Owners and the Occupier or Occupiers of any Lands or other Hereditaments, through, in, or upon which the said Navigation, Canal, or Collateral Cut, Towing Path, Quays, or other Works, hereby authorized, are intended to be made, or any of them, or of any Mills, Forges, or other Works, from which any Water to supply the said Navigation, Canal, or Collateral Cut, or Reservoirs, may or shall be diverted, may accept and receive Satisfaction for the Value of such Lands and Grounds, Mills, Forges, or other Works and Hereditaments, and for the Damages to be sustained by making and completing the said Works herein-before authorized to be made, either in gross Sums or by Annual Rents, as shall be agreed upon by and between the said Owners and Occupiers respectively, or any of them, and the said Company of Proprietors; and from and immediately after the Time of executing such Contract or Contracts the said Company of Proprietors may and shall be at Liberty to enter upon, and from thenceforth for ever to have, take, and enjoy the said Lands, Grounds, and other Hereditaments for the Use and Maintenance of the said Navigation, Canal, or Cuts respectively, and for the supplying the same with Water, without any Interruption or Eviction whatsoever; and in case the said Company of Proprietors and the said Parties interested in such Lands or Grounds or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners hereinafter appointed, in such Manner, and subject to such Verdict of a Jury, if required, as is herein-after directed; and all such yearly Rents or Sums as shall be agreed on between the said Company of Proprietors and the said Parties interested in such Lands and Grounds or other Hereditaments, or as shall be so ascertained and settled as aforesaid, shall be charged on the Rates arising by virtue of this Act, and shall be paid by the said Company of Proprietors as the same shall become due and payable; and in case the same shall not be paid within Forty Days next after the same shall so become due and payable, it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby required, by an Order under their Hands, to appoint One or more Person or Persons to receive the Rates hereby granted and made payable, and to pay the same to such Person or Persons to whom such yearly Rents or Sums shall be due and unpaid as aforesaid, the said Commissioners taking such Security from every such Collector, for the due and faithful Execution of his Office, as they shall judge proper and sufficient;

If Parties cannot agree, Price to be settled by Commissioners or a Jury.

Yearly Rents charged on Rates;

sufficient; and every Person so appointed shall be deemed a Collector of the said Rates, and shall have the same Power and Authority for collecting the same, as if he had been appointed a Collector of the said Rates by the said Company of Proprietors, until such yearly Rents or Sums, with the Costs and Charges of recovering and receiving the same, shall be to him, her, or them fully satisfied and paid, or it shall be lawful for such Bodies Politick, Corporate or Collegiate, Trustees, or other Person or Persons to whom such yearly Rents or Sums shall be due and owing as aforesaid, to sue for and recover the same, with Costs of Suit, by Action of Debt in any of His Majesty's Courts of Record, or otherwise to seize any Boats, Vessels, or other Goods or Effects of the said Company of Proprietors, which shall be found upon the said Navigation, Canal, or Collateral Cut, or any of them, or in or upon the Wharfs, Quays, Warehouses, or other Works thereto belonging, (Information of such Seizure being immediately given to the said Company of Proprietors, by Notice in Writing delivered to some of their Clerks), and to detain the same until Payment of such yearly Rents or Sums then due and owing, together with the reasonable Charges attending such Seizure and Detention; and if such Boats, Vessels, or other Goods or Effects, shall not be redeemed within Ten Days next after making the same, and Notice thereof given in Writing as aforesaid, then such Boats, Vessels, or other Goods or Effects, so seized, shall and may be sold or disposed of in such Manner as the Law directs in case of Distress for Rent.

or the Company's Boats, *etc.* may be seized or distrained upon for the same.

XXIX. Provided always, and be it further enacted, That before any Clay, Gravel, Sand, Rubbish, or other Materials (except Soil) to be dug or got in the cutting or making of the said intended Navigation, and not used for some of the Works thereof, shall be laid upon any Land adjoining or near thereto, all the Soil of such Land, and also of the Lands so cut for the said Navigation, within the Depth of Nine Inches, shall be taken and removed, and shall be laid in distinct Heaps from such Clay, Gravel, Sand, Rubbish, and other Materials, and that the said Clay, Gravel, Sand, Rubbish, and other Materials (except as aforesaid) shall be in a proper and Husbandlike Manner, most convenient for Cultivation, levelled, within the Space on such Land adjoining or near to the said Navigation from whence the Soil shall have been previously removed as aforesaid, and then the Whole of the aforesaid Soil shall be in like Manner spread upon and over the Surface of the said

For levelling the Rubbish, *etc.* thrown on the adjacent Lands, and covering it with the Soil.

levelled Materials, so and in such Manner as to render it Land as fit and proper as may be for the Purpose of Vegetation, Culture, and Husbandry, and that such levelling of Materials, and carrying and spreading of Soil thereon as aforesaid, shall be fully and effectually done and compleated in each and every Close or separate Piece of Ground, in or through which the said Navigation shall pass or go, within Three Calendar Months next after the same shall be cut and made through such Close or separate Piece of Ground; and that, if the said Company of Proprietors, or any others employed by or under them, shall refuse or neglect, within the respective Times aforesaid, to remove the said several Soils, and level the said Materials, and then carry and spread the said Soils in Manner herein specified and directed, then, and in every such Case, it shall be lawful for the Owner or Owners, Occupier or Occupiers for the Time being of the Close, Land, or Ground wherein or whereon the Subject of such Refusal or Neglect shall be or arise, and he, she, and they respectively is and are hereby impowered to cause the Clay, Gravel, Sand, Rubbish, Materials, and Soils respectively, concerning which such Refusal or Neglect shall be made or arise, to be respectively removed, turned over, separated, levelled, and spread, so and in such Manner as to effect the bringing the Soil to the Surface, and thereby rendering it Land fit and proper for the Purposes aforesaid, and that then, and in every such Case, it shall also be lawful for all and every such Owners or Occupiers, and he, she, and they is and are hereby impowered to recover all the Costs, Charges, and Expences of and attending the Work which he, she, or they respectively shall so do or cause to be done as aforesaid, of and from the said Company of Proprietors in such and the like Manner, and by such and the like Means, as are herein provided and prescribed for the Recovery of Satisfaction for Damages to be done by the said Company of Proprietors.

Damages not provided for to be settled by Commissioners.

XXX. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by Reason of the Execution of any of the Powers hereby given, and through or by Means not hereby provided for, then, and in every such Case, such Damages shall from Time to Time be settled by the said Commissioners, or any Five or more of them, and be recovered, levied, and applied in such Manner as is herein appointed in respect to other Damages.

XXXI. And,

XXXI. And, for settling all Differences which may arise between the said Company of Proprietors, and the several Owners of or Persons interested in any Lands, Grounds, Tenements, Mills, Mines, Waters, or other Hereditaments, which shall or may be taken, used, affected, or prejudiced, by reason of the Execution of any of the Powers hereby granted, be it further enacted, That every Person seised in his own Right, or in the Right of his Wife, of, in, or to a Freehold or Copyhold Estate, situate within the Counties of Leicester and Northampton, or either of them, of the clear yearly Value of One hundred Pounds, and also every Person residing within the said Counties, or either of them, and having a Personal Estate of the Value of Three thousand Pounds, or Personal and Real Estate together of the Value of Three thousand Pounds, shall be and is hereby appointed a Commissioner for settling, determining, and adjusting all Matters, Questions, and Differences, which shall or may arise between the said Company of Proprietors and the several Proprietors of and Persons interested in any Lands, Grounds, Tenements, Mills, Mines, Waters, Hereditaments, or Premises, which shall or may be taken, used, affected, or prejudiced, by the Execution of any of the Powers hereby granted. Commissioners.

XXXII. Provided always, and be it further enacted, That no Person shall act as a Commissioner for the Execution of the Powers hereby given, in any Case where he shall be anyway interested or concerned in the Matter in Question, nor (except in administering the Oath hereinafter mentioned) until he shall have taken and subscribed an Oath to the Effect following, before any Five or more of the said Commissioners, who are hereby authorized and required to administer the same; (videlicet), Commissioners not to act where interested, and to take an Oath.

I *A. B.* do swear, [*or*, being One of the People called *Quakers*, do solemnly affirm,] That I am truly and *bonâ fide* in the actual Possession and Enjoyment, or Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments, in the Counties of *Leicester* and *Northampton*, or One of them, of the clear yearly Value of One hundred Pounds, or possessed of a Personal Estate of the Value of Three thousand Pounds, or of Personal and Real Estate together of the Value of Three thousand Pounds; and that I will truly and impartially, according to the Evidence which shall be laid before me, and to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner, by an Act of Par- Oath of Commissioners.

Parliament made in the Thirty-third Year of the Reign of King *George* the Third, intituled, [*Set forth the Title of the Act.*]

So help me GOD.

Penalty on Commissioners acting, not being qualified.

And if any Person shall presume to act as a Commissioner in the Execution of this Act, not having the Qualification herein before mentioned, every such Person shall, for every such Offence, forfeit the Sum of Fifty Pounds, 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 sued shall prove that he is qualified as above, or otherwise shall pay the said Penalty, without any other Proof or Evidence, on the Part of the Plaintiff or Plaintiffs, than that such Person hath acted as a Commissioner in the Execution of this Act.

Commissioners may act as Justices of the Peace, &c.

XXXIII. And be it further enacted, That any of the said Commissioners who shall be in the Commission of the Peace for the said Counties, or either of them, shall and may nevertheless act as Justices of the Peace in the Execution of this Act; but that no Person who shall have or accept any Place of Profit arising out of the Rates to be raised by virtue of this Act, or shall be interested in any Share or Shares of the said Navigation, or shall be concerned or interested in any Contract or Bargain made or to be made for or on Account of the said Undertaking, shall be capable of acting as a Commissioner herein, so long as he shall hold or be interested in such Place of Profit, Share or Shares, Contract or Bargain as aforesaid.

First Meeting of the Commissioners.

XXXIV. And be it further enacted, That the said Commissioners shall hold their First Meeting for the Purposes of this Act at such Time and Place as they shall be thereunto required by the First General Assembly of the said Company of Proprietors (to be held as hereinafter appointed) by publick Advertisement as hereinafter mentioned; and the said Commissioners at their said First Meeting shall and are hereby required to appoint, out of Three Persons to be nominated by the said Company of Proprietors, such One or more of them as the said Commissioners shall think proper to be their Clerk or Clerks; and the said Commissioners shall have Power from Time to Time to remove any such Clerk, and appoint another in his Stead, out of Three Persons to be nominated as aforesaid; and every such Clerk or Clerks shall be paid for his or their Care and Trouble in the Execution of his or their Office, by the said Company of Proprietors; and all the Orders and Proceed-

Their Clerk.

ings of the said Commissioners, as well at this their First, or at any subsequent Meeting, shall be regularly entered by their Clerk or Clerks in a Book to be kept for that Purpose, and to be provided from Time to Time by the said Company of Proprietors; and such Entries, being signed by such Number of Commissioners respectively as are impowered by this Act to make such Orders or carry on such Proceedings, shall be deemed Originals, and shall be admitted as Evidence in all Courts of Law or Equity; but no such First or other Meeting whatsoever of the said Commissioners shall at any Time be had for putting into Execution any of the Powers or Authorities vested in them by this Act, unless Ten Days previous Notice at least of every such Meeting shall be given in some One or more of the Leicester and Northampton Newspapers, or in such other Manner as the said Company of Proprietors shall direct or appoint; and every Meeting of the said Commissioners by virtue of this Act shall be publick to all such Commissioners; and no Order, Direction, or Determination of the said Commissioners, or any of them, touching any of the Matters and Things herein contained, (except in such Cases as are hereby otherwise directed), shall be valid and effectual, unless the same shall be made or done at a Meeting to be held in pursuance of this Act; and that all the Powers and Authorities by this Act given to or vested in the said Commissioners shall and may from Time to Time be exercised by the Majority of the Commissioners present at every such Meeting, the whole Number present at any such Meeting not being less than Five.

Proceedings of the Commissioners to be entered.

XXXV. And be it further enacted, That the said Commissioners shall meet on the First Monday in the Month of October next after the Commencement of this Act, at the Three Cranes Inn in Leicester, and afterwards on the First Monday in October in every Year at the Three Cranes at Leicester, and the Angel Inn at Northampton, alternately.

General Meetings.

XXXVI. And be it further enacted, That upon any Refusal of any Owner or Owners, Occupier or Occupiers, or of any other Person or Persons interested in any Lands, Grounds, Tenements, Hereditaments, or other Premises, which shall be marked or set out, taken, obstructed, damaged, or in anywise affected by the said Navigation, Canal, or Collateral Cut, or Works, or any of them, to accept the Money or the Compensation which shall be offered for or in respect of the same, by the said Company of Proprietors, or their General or any other Committee, or by any of their Agents on their

Special Meetings of the Commissioners.

Behalf, it shall be lawful for the said Company, or such Committee, or for such Owner or Occupier, or other Person or Persons so interested as aforesaid, to make Application in Writing to any Five or more of the said Commissioners (although they shall not then be assembled together at a Meeting for the Purposes of this Act), requesting or desiring them to appoint a Meeting of the said Commissioners; and it shall be lawful for the said Commissioners so requested or applied to, and they are hereby authorized and required, within Fourteen Days after such Request or Application made, to give publick Notice in Manner aforesaid of such Meeting to be held at such Time and Place as they shall think proper, such Time not being less than Fourteen nor more than Twenty-one Days from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized, impowered, and required, to assemble at the Time and Place so appointed, in order to carry into Execution the Powers and Authorities hereby given to and vested in them; and in case the Business to be transacted at any such Meeting shall not be concluded or finished on or within the Day mentioned in such Notice, they the said Commissioners shall then adjourn themselves to, and shall afterwards meet at such Place and Time as they, or the Majority of them then present, shall think proper and convenient; and if it shall happen that there shall not appear at any Meeting which shall be so appointed a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then and in such Case the Clerk to the said Commissioners shall and may, by publick Notice to be given in Manner aforesaid, appoint the said Commissioners to meet at the House where the last Sitting of the said Commissioners was so appointed to be held, on that Day Fortnight next after the Day of such last intended Meeting: Provided always, That every such Meeting of the Commissioners for hearing or determining any Complaint, Controversy, Dispute, or Difference between the said Company of Proprietors and any other Person or Persons, shall be held at some Place within the County where such Complaint or Dispute shall arise, and within Six Miles from some Part of the said Navigation, Canal, or Collateral Cut.

Meetings to determine Disputes, &c. to be held within Six Miles of the Canal.

Commissioners shall fix the Price of Lands.

XXXVII. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and required to examine Witnesses on Oath, to be administered by them, touching the Matters mentioned in the said written Application to be in Dispute, and they are hereby

hereby impowered and enabled, by Writing under their Hands and Seals, to determine and adjust, from Time to Time, on any such Application as aforesaid, what Sum or Sums of Money shall be paid by the said Company of Proprietors (either in Gross, or by an Annual Rent or Payment, at the Election of the Owner or Owners of such Lands) for the absolute Purchase of, or as a Recompence for the Use of the Lands, Grounds, or Hereditaments which shall be set out and ascertained as aforesaid, for making the said Navigation, Canal, or Collateral Cut, or any Part thereof, or for other the Purposes herein mentioned, and also to adjust and determine the Compensation to be made by the said Company of Proprietors, for any Damages which may or shall be at any Time or Times hereafter sustained by any Bodies Politick, Corporate, or Collegiate, or by any Person or Persons respectively, being Owners of or interested in any Lands, Grounds, Tenements, Mills, Mines, or other Hereditaments, for or by Reason of the making, using, repairing, or maintaining the said Navigation, Canal, or Collateral Cut, or the Reservoirs, Tunnels, Sluices, Trenches, Passages, Gutters, Watercourses, Roads, Ways, or other Works or Conveniences, or by supplying the same or any of them with Water as aforesaid, or by the flowing, leaking, or oozing of Water over or through the Banks of the said Navigation, Canal, or Collateral Cut, Reservoirs, Sluices, or Trenches, or any of them, or over or through any Passages, Gutters, or Watercourses, which shall be made pursuant to the Powers hereby given, or by not cleansing the same, or by Reason or Means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, or any of their Agents, Servants, or Workmen.

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

XXXVIII. Provided always, and be it further enacted, That if the said Company of Proprietors, or their Committee for the Time being, after such written Application as aforesaid, shall be dissatisfied with any such Judgement or Determination, and shall give Notice thereof in Writing to any Five or more of the said Commissioners, within Seven Days next after the same shall have been made, or if any such Body Politick, Corporate, or Collegiate, or any other Person or Persons so entitled or interested, for and on his, her, or their Part or Parts, or for or on the Part of his, her or their Cestuique Trust, or of any other incapacitated Person or Persons as aforesaid, shall be dissatisfied with the Determination of the said Commissioners, and shall refuse to accept such Purchase Money, or Annual Rent or Recompence, or other Compensation so determined

and

and adjudged by them the said Commissioners, upon due Tender thereof made by or on the Behalf of the said Company of Proprietors, and shall give Notice in Writing to any Five or more of the said Commissioners of such Refusal, within Seven Days after such Tender shall have been made, and the Party or Parties giving such Notice as aforesaid shall therein request that the Matter or Matters so in Dispute may be submitted to the Determination of a Jury, then, and in every such Case, the said Commissioners shall, and they are hereby impowered and required, from Time to Time, to issue a Warrant under their Hands and Seals to the Sheriff of the County in which the Matter in Question or Dispute shall arise, or in case such Sheriff or his Under Sheriff shall happen to be One of the Company of Proprietors of the said Navigation, or shall enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matter or Matters in Question, then to the Senior Coroner of the said County, and in case he shall be so interested, then to the next Coroner of such County in Point of Seniority, who shall not be so interested; and if all the Coroners shall be so interested as aforesaid, then to the last Person who filled the Office of Sheriff of the said County then in being, who shall not be so interested as aforesaid, commanding such Sheriff or Coroner or other Person as aforesaid (and the Sheriff or Coroner, or such other Person, is hereby impowered and required) to impannel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to Law to be returned for Trials of Issues joined in his Majesty's Courts of Justice at Westminster, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, such Time not being less than Seven Days nor more than Fourteen Days after such Warrant shall have been served upon the said Sheriff, Coroner or other Person; and in case a sufficient Number of Jurymen shall not appear at the Time and Place appointed as aforesaid, the said Sheriff, Coroner, or other Person appointed as before mentioned, shall return other honest and indifferent Men of the Bye-standers, or of others who can be speedily procured to attend that Service, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve; and every such Jury and Juryman shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he and they had been returned for the Trial of any Issue joined in any of his Majesty's Courts at Westminster, and all Parties concerned may have their lawful Challenges against any of

the said Jurymen, but shall not challenge the Array; and the said Commissioners are hereby impowered and required to summon and call before them, and to hear and examine on Oath, any Witnesses touching the Matters in Question, and may order and authorize the said Jury, or any Six or more of them, to view the Place and Places, or Matters or Things in Controversy; and such Jury shall, upon their Oaths (which Oaths, as well as the Oaths of such Witnesses, the said Commissioners are hereby impowered and required to administer), enquire of, assess, and ascertain, and give a Verdict for the Sum or Sums of Money, or the Annual Rent or Rents which shall be paid for the Purchase or for the Hire and Use of such Lands or Grounds, Mills, Mines, Waters, and Hereditaments, and the Compensation which shall be made for the Damages sustained as aforesaid, and the said Commissioners shall give Judgement for such Purchase Money, Rent, Recompence, or Compensation so assessed by such Jury; which said Verdict, and the Judgement thereupon pronounced by the said Commissioners, shall be binding and conclusive to all Intents and Purposes, against all Bodies Politick, Corporate, and Collegiate, and against all Persons whomsoever.

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

XXXIX. And whereas it may happen that, by Reason of Absence in Foreign Countries, or other Impediment or Disability, not before provided for by this Act, there may not, in certain Cases, be found any Person or Persons who may be legally capacitated to treat and contract with the said Company of Proprietors for the speedy and absolute Sale and Conveyance to them of the Lands and Grounds, or other Hereditaments and Premises, which may be necessary and requisite for the Purposes of the said Navigation, and other Works and Conveniences, or concerning a proper Compensation for the Damages which may be done thereby to such Lands or other Premises as aforesaid; and it may also happen that the said Bodies Politick, Corporate, or Collegiate, or other Person or Persons, who is or are, under the Provisions in this Act contained, or otherwise, legally capacitated to treat and contract with the said Company of Proprietors for such speedy and absolute Sale and Conveyance, or for such Compensation as aforesaid, or of the Interest which he, she, or they may hold therein, may nevertheless refuse to enter into any such Treaty or Contract; be it therefore further enacted, That in either of these Cases, whensoever the same shall happen, it shall be lawful for the said Company of Proprietors (after Notice in Writing given to the principal or other known Officer or Officers of such

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

Body Politick, Corporate, or Collegiate, or to the Tenant or Tenants, Occupier or Occupiers, or other Persons interested in the Use, Produce, or Profits of such Lands, Grounds, Hereditaments, and Premises respectively, or left at the Place or Places of his, her, or their usual Abode, for the Space of Seven Days) to make Application to the said Commissioners, who shall and they are hereby impowered and required, forthwith to summon and return a Jury in Manner herein-before directed, and to summon and call before them, and before the said Jury, and to examine on Oath, to be administered by the said Commissioners, all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matters in Question, and may order and authorize the said Jury, or any Six or more of them, to view the Premises; and the said Jury shall, on their Oaths, assess and ascertain the Sum or Sums of Money, or Annual Rent or Rents, which ought to be paid for the absolute Purchase of the Premises in Question, or the Compensation which ought to be made for the Damages which may or shall be sustained as aforesaid; and the said Commissioners shall give Judgement accordingly, for and respecting the same, which shall be binding and conclusive against all and every Person and Persons whomsoever, as herein-before mentioned or declared.

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

XL. And be it further enacted, That whensoever a Jury is or shall be called by the Commissioners as aforesaid, or any Witness or Witnesses is or shall be examined by and before the said Commissioners alone, or by and before the said Commissioners and Jury jointly, as herein-before directed, the said Commissioners shall, and they are hereby required, according to their Discretion, to give and award to each of the said Jurors and Witnesses, in every such Case, such Sum or Sums of Money as shall be a reasonable and moderate Recompence for the Expences and Trouble of their Journey and Attendance; and in each and every Case where a Verdict shall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, Mills, Waters, Hereditaments, or Premises, of any Person or Persons whomsoever, or as a Compensation for any Damages done to such Lands or other Premises, than had been previously offered by or on Behalf of the said Company of Proprietors, before the Meeting of the said Commissioners, or than had been by them determined and assessed as aforesaid, or where any Verdict shall be found for any Damages, where the Dispute is for Damages only, and where no Compensa-

tion had been previously offered or tendered in respect thereof, by and on Behalf of the said Company of Proprietors, or where, by Reason of Absence in Foreign Countries, or other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at Hand who may be legally capacitated to enter into, contract with, and make Conveyances to, or receive Compensation from, the said Company of Proprietors, as herein-before mentioned, then, and in all such Cases, all the Expences of calling such Commissioners, summoning such Jury, and taking such Verdict, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given for the same Sum or Rent that had been previously offered by or on Behalf of the said Company of Proprietors, or had been so determined or assessed by the said Commissioners, or for a less Sum than had been so previously offered, determined, or assessed, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only, or in case of Refusal to enter into Treaty with, or make Conveyances to, or receive Compensations from the said Company of Proprietors, by any Body Politick, Corporate or Collegiate, or by any Person or Persons whomsoever, who is or are, by the Provisions of this Act or otherwise, legally capacitated to treat and convey, or receive such Compensation as aforesaid, then, and in all such Cases, (except where, by Reason of Absence or otherwise, any Person shall have been prevented from treating and agreeing as aforesaid), the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Verdict, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Concerns, Controversies, or Disputes, which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Sum or Sums of Money shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed and adjudged; or, if the Dispute or Controversy shall be for Damages only, and no such Damages shall be given or assessed by the said Jury or Commissioners, then, and in such Case, the said Company of Proprietors shall and may recover, of and from the Person or Persons making Appeal to the said Commissioners

missioners or Jury, the Costs, to be assessed as aforesaid by such Commissioners, in any of His Majesty's Courts at Westminster, with full Costs of Suit.

Persons requesting a Jury to enter into Bond to prosecute.

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

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

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

Penalty on Sheriffs, &c. making Default.

XLIII. And be it further enacted, That if any Sheriff, Under Sheriff, Coroner, or other Person herein-before directed to act in the Place of such Sheriff, shall make Default in the Premises, every such Person shall, for every such Offence, forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon any such Jury shall not attend, or attending shall refuse to give his Verdict on Oath, or shall in any Manner wilfully neglect his Duty, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be examined upon Oath, or to give Evidence, every Person so offending respectively, having

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

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

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

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

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

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

Determinations of Commissioners, and Verdicts, to be recorded.

XLVI. 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 said Judgements and Verdicts (being first signed by the Commissioners present at the making of such Determinations, or taking of such Verdicts, and pronouncing such Judgements respectively) shall be transmitted to, and be kept by the respective Clerks of the Peace amongst the Records of the Quarter Sessions for the said Counties of Northampton and Leicester respectively, as the Case shall require, and shall be deemed to be Records of the said Quarter Sessions to all Intents and Purposes; and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and to take Copies thereof, paying for every Copy the Sum of Four-pence for every One hundred Words, and so in Proportion for any less Number of Words.

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

XLVII. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands are limited in strict Settlement, for the Purchase or Exchange of, or the Damage to be done to any Lands or Hereditaments, by virtue

tue of the Powers herein-before or herein-after contained, shall, in case the same shall exceed the Sum of Twenty Pounds, be laid out, as soon as conveniently may be, by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, or other Person or Persons aforesaid, in the Purchase of Lands, Tenements, and Hereditaments, in Fee Simple, which shall be conveyed to or to the Use of such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or to or for such other Person or Persons, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands and Grounds, Tenements, or Hereditaments, for or in respect whereof such Money shall be paid as aforesaid, were limited, settled, and assured, at the Time when such Money was so agreed for, ascertained, or assessed respectively as aforesaid, or for such and so many of such Uses as shall be then existing and capable of taking Effect, and that such Conveyances and Settlements shall be made at the Expence of the said Company of Proprietors; and in the mean while, and until such Purchase or Purchases shall be made, the said Money, shall be placed out by such Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons, in some of the publick Funds, or on Government or Real Securities, producing an annual Interest, in the Names of Two or more Persons, One to be nominated by the Parties interested therein, and the other by the said Commissioners; and the Interest arising or to be produced from any such Funds and Securities, and also the annual Rent for such Lands and Grounds, Mills, Tenements, and Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid to such Person or Persons respectively as would have been entitled for the Time being to the Rents and Profits of such Lands and other Premises so to be purchased, in case the same had been purchased and settled pursuant to the Tenor and true Meaning of this Act.

Commissioners to settle the Proportion of the Money to be paid to the several Persons interested.

XLVIII. And be it further enacted, That the said Commissioners shall, and are hereby impowered to settle what Shares and Proportions of the Purchase Money, or Compensation for Damages, which shall be so agreed for, determined, and adjusted, or assessed in Manner as aforesaid, shall be allowed to any Tenant, or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for his, her, or their respective Interest therein,

therein, except in Cases wherein other Provision is hereby made.

To compensate for Tithes.

XLIX. And be it further enacted, That in Cases where Tithes in Kind are payable for any Lands to be purchased as aforesaid for the said Undertaking, the Owner or Owners of such Tithes shall be compensated for the same out of the respective Purchase Monies for such Lands for the Value thereof, to be estimated at the Average 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 (in Cases of Disagreement between the Parties) to be ascertained, determined, and adjusted by the Ways herein-before appointed for ascertaining and settling the Price or Value of such Lands; and in Cases where such Tithes shall appertain to any Ecclesiastical Benefice, the respective Monies arising by Means of such Compensations shall be laid out by the Rector, Vicar, or Incumbent of every such Benefice, by and with the Consent of the Bishop of the Diocese where the same shall be situated, in the Purchase of Lands or Hereditaments, to be conveyed for the Use of the same Benefice, and the Rents and Profits thereof to be had, received, and taken, by the Rector, Vicar, or other Incumbent for the Time being, for ever, and that until such Purchase or Purchases can be found, the said Monies to arise as aforesaid by such Compensation or Compensations for Tithes, shall be invested in the publick Funds of this Kingdom, by such Rector, Vicar, or other Incumbent, in the Names of the Bishop of the Diocese and One of the Churchwardens, and the Produce thereof respectively shall be from Time to Time paid to the respective Persons who would have been entitled to the Rents and Profits of the Land, in case the same had been laid out in the Purchase thereof; but nothing herein contained shall extend, or be construed to extend, in any Manner whatsoever, to any Land for which a Modus shall be payable at the Time of passing this Act, or in any Degree to affect, alter, or destroy any such Modus, but in every such Case the Owner of the Part of such Land to be taken or made use of for the Purposes of this Act, shall be liable to pay, and shall pay such Modus in such and the same Manner, and without Variation or Diminution, as he or she would have done, had no Part of his or her Land been so taken or used, or this Act had not been made; and in the Ascertainment of the Value to be paid to such Owner, for the Part of such Land to be so taken or used, the same shall be considered

ſidered free from the Payment of Tithes, or any Diminution in Value on Account thereof.

To take the Land to be uſed for the Navigation contributory to Land Tax and Parochial Rates

L. And be it further enacted, That in reſpect of the Lands to be purchaſed as aforeſaid for the Uſe of the ſaid Undertaking, the ſaid Company of Proprietors and their Succeſſors ſhall bear and pay Land Tax, and all Parochial Cares, equally and proportionably with other Lands in the Pariſhes or Townſhips where the ſame ſhall be reſpectively ſituate, the ſame to be conſidered as Land after the ſame ſhall be cut, and to be eſtimated according to the mean Value of the Lands lying on each Side thereof.

Company enabled to raiſe Money.

LI. And, to the End that the ſaid Company of Proprietors may be enabled to carry on and complete the ſaid Undertaking, be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute among themſelves, in ſuch Proportions as to them ſhall ſeem meet and convenient, a competent Sum of Money for making and completing the ſaid Navigation, Canal, or Collateral Cut, and all the Works and Conveniences to the ſame belonging or requiſite, and uſeful thereto reſpectively, ſo as that the ſame do not exceed the Sum of Two hundred thouſand Pounds in the Whole (except as herein-after is mentioned); 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 Payment, Diſcharge, and Satisfaction of all Fees and Diſburſements for obtaining and paſſing this Act, and for making the Surveys, Plans, and Eſtimates, preparatory and incident thereto, and all other Expences relating to the ſame, and all the Reſidue and Remainder of ſuch Money ſhall be uſed and applied for and towards making, completing, and maintaining the ſaid Navigation, Canal, or Collateral Cut, and other Works reſpectively, and for other the Purpoſes of this Act; and the ſaid Sum of Two hundred thouſand Pounds ſhall be divided and diſtinguiſhed into Two thouſand equal Shares, which Shares ſhall be numbered in Numerical Progreſſion, and the ſaid Shares ſhall be deemed Perſonal Eſtate, and ſhall be tranſmiſſible as ſuch, and the ſaid Shares ſhall be and are hereby veſted in the ſaid ſeveral Subſcribers, and their ſeveral and reſpective Executors, Adminiſtrators, and Aſſigns, to their and every of their proper Uſe and Behoof, proportionably to the Sum which they ſhall ſeverally ſubſcribe and pay thereunto; and all and every the Bodies Politick and Corporate, and all and every other Perſon and Perſons, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe

and pay in the Sum of One hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Navigation, shall be entitled to and receive, after the same shall be completed, the entire and neat Distribution of One Two-thousandth Part of the Profits and Advantages that shall and may arise and accrue by virtue of the Sum and Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in Proportion for any greater Number of Shares; and every Body Corporate or Politick, Person or Persons, having One Share in the said Undertaking, and so in Proportion as aforesaid, shall bear and pay an adequate proportionate Sum of Money towards carrying on the said Undertaking, in Manner herein-after directed and appointed;

If not sufficient the Company may raise a further Sum among themselves;

and in case the said Sum of Two hundred thousand Pounds shall at any Time or Times be deemed insufficient, then, and in such Case, it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in such Shares and Proportions, and in Manner and Form as is herein-before directed, or by the Admission of new Subscribers (as to them shall seem meet) any further or other Sum of Money, for perfecting and completing the said Navigation, Canal, Collateral Cut, and other the Works hereby authorized to be made, not exceeding the Sum of One hundred thousand Pounds; and every such new Subscriber (if any) shall become a Proprietor in the said Navigation and Undertaking, and shall be entitled to exercise and enjoy the same Powers, Privileges, and Advantages, and shall also be liable to the same Restrictions, Penalties, and Forfeitures, as if such further or other Sum, hereby allowed to be subscribed for and raised, had been Part or Parcel of the said original Subscription; but in case the said Company of Proprietors shall be rather desirous to raise such further and other Sum, or any Part thereof, by Mortgage of the said Navigation and Undertaking, instead of by Contribution or Subscription, then, and in such Case, it shall be lawful for the said Company of Proprietors to borrow and take up at Interest, of and from any Person or Persons who shall be willing to advance and lend the same upon the Credit of the said Undertaking, any such further Sum or Sums of Money, not exceeding the said Sum of One hundred thousand Pounds, as to them shall seem fit and convenient, and they are hereby authorized and impowered to assign and make over their said Navigation, Canal, and Collateral Cut, and other Works, and the Rates to arise

or by Mortgage.

by virtue of this Act, or any of them, or any Part thereof, as a Security for any Sum or Sums of Money so to be borrowed, with Interest, to the Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees, under the Common Seal of the said Company, by Deed of Mortgage, according to the Form following; (that is to say),

WE the Company of Proprietors of the *Leicestershire* and *Northamptonshire Union Canal*, in Consideration of the Sum of to us paid by *A. B.* of do hereby, by virtue of an Act of Parliament, passed in the Thirty-third Year of the Reign of King *George* the Third, intituled, [*set forth the Title of the Act*], bargain, sell, and transfer unto the said *A. B.* all and singular the Rates arising by virtue of the said Act, and also the said Navigation, Canal, and Undertaking, and all the Right, Title, and Interest of us the said Company of Proprietors, of, in, and unto the same, to hold unto the said *A. B.* his Executors, Administrators, and Assigns, until the said Sum of together with Interest for the same, after the Rate of *per Centum per Annum*, shall be fully paid off and discharged. Given under our Seal, the Day of

Form of Mortgage.

And all and every Person and Persons to whom such Mortgage or Mortgages shall be made, shall be equally entitled to his, her, or their Proportion or Proportions of the said Rates and Premises, according to his, her, or their respective Sums in such Mortgages mentioned to be advanced, without any Preference, by Reason of the Priority of Date of any such Mortgage, or on any other Account whatsoever; and the Money so to be borrowed is hereby directed and appointed to be laid out and applied for and towards the making, completing, and maintaining the said Navigation, Canal, or Collateral Cut, and Works hereby authorized to be made, and other the Purposes of this Act, and to no other Use or Purpose whatsoever; and an Entry or Memorial of every such Mortgage, containing the Date thereof, and an Account of the Name or Names of the Party or Parties (with their proper Additions) to whom the same shall have been made, and of the Sum of Money borrowed, together with the Rate of Interest to be paid thereon, shall, within Twenty Days next after the Date thereof, be written and inserted (gratis) in One or more Book or Books to be kept for that Purpose by the Clerk to the said Company of Proprietors, which Book or

or Books shall and may be perused at all seasonable Times, by the Proprietors or Creditors of the said Navigation, without Fee or Reward; and all and every Person or Persons to whom any such Mortgage shall have been made, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, Interest, or Benefit therein, to any Person or Persons whomsoever, which Transfer shall be made according to the Form following; (that is to say),

Form of Transfer.

I *A. B.* of in Consideration of the Sum of paid by *C. D.* of do hereby transfer a certain Mortgage made by the Company of Proprietors of the *Leicestershire* and *Northamptonshire Union Canal*, bearing Date the Day of for securing the Principal Sum of and the Interest now due and hereafter to become due thereon, and all my Right and Property therein, to the said *C. D.* his Executors, Administrators, or Assigns. In Witness whereof I have hereto set my Hand and Seal, this Day of in the Year of our Lord

And every such Transfer shall, within Twenty Days after the Date thereof, be produced and notified to some Clerk to the said Company of Proprietors, who shall thereupon cause an Entry or Memorial to be made thereof, containing the Date, Names of the Parties, and the Sums of Money thereby transferred in the said Book or Books to be kept for entering the said original Mortgages, for which last-mentioned Entry such Clerk shall be paid the Sum of Two Shillings and no more; and after such Entry made, every such Assignment shall intitle such Assignee or Assignees, his, her, or their Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage; and it shall not be in the Power of such Person or Persons who shall have made any such Assignment or Assignments, at any Time afterwards, to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money to be so borrowed by Mortgage as aforesaid shall be paid from Time to Time to the several Persons intitled thereto, in Preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors, or to any of them.

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

LII. And

LII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby required, out of the Money to be raised as aforesaid, during the Time the said intended Navigation, Canal, or Collateral Cut, and all Things necessary for making, compleating, and maintaining the same, shall be carrying on, and until the same shall be compleated and finished, to pay unto every Body Politick, Corporate, or Collegiate, or other Person or Persons, their several and respective Successors, Executors, Administrators, and Assigns, who has or have subscribed, or shall hereafter subscribe and advance any Money towards carrying on and compleating the said Undertaking, Interest for the Money so advanced, after the Rate of Five Pounds per Centum per Annum, from the Time that such Money shall have been so advanced as aforesaid, unless the Majority of the said Proprietors present at any General Assembly shall resolve or determine that such Interest shall not be paid, or that a lower Rate of Interest shall be paid in respect of such Money.

5 l. per Cent. to be paid to the Proprietors till the Works are completed.

LIII. And be it further enacted, That every Body or Bodies Politick, Corporate or Collegiate, or other Person or Persons who shall, by virtue of this Act, have subscribed or undertaken for One or more Share or Shares of and in the said Undertaking, and his, her, and their Successors, Executors, Administrators, and Assigns, shall be and be deemed a constituent Part of the said Corporation hereby created, and shall have a Vote for every such Share in every General Assembly to be held as herein-after appointed for carrying on the said Undertaking, which may be given by him, her, or them, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being always Members of the said Company), duly constituted under his, her, or their Hand or Hands, and such Vote or Votes by Proxy shall be as valid as if such Principal or Principals had voted in Person; and whatever Question or Questions, as to the Election of proper Officers, or the Determination of any other Matter or Thing, shall be proposed, discussed, or considered in any General Assembly of the Company of Proprietors to be held by virtue of this Act, the same shall be finally determined by the Majority of Votes and Proxies then present, computing One Vote for every Share.

Subscribers to have a Vote for every Share:

LIV. Provided nevertheless, That no Body or Bodies Politick, Corporate, or Collegiate, or any Person shall be intitled to give more than Ten Votes on Account of his, her, or their Number of Shares in the said Navigation; and that no Person shall give or deliver more Proxies than

But not to have more than Ten Votes, nor act as Proxy for more than Ten Shares.

than for the Proprietors of Ten Shares; and the Appointment of every Proxy shall be made according to the Form following:

Form of Proxy.

I *A. B.* of One of the Proprietors of the *Leicestershire* and *Northamptonshire Union Canal*, do hereby nominate, constitute, and appoint *C. D.* of in my Name and in my Absence to vote or give my Assent or Dissent to any Business, Matter, or Thing relating thereto, which shall be proposed at any General or Special Assembly of the Proprietors of the said Canal, at all Times hereafter, until I shall revoke this Appointment, by Notice in Writing under my Hand to some Clerk to the said Company of Proprietors. In Witness whereof I have hereunto set my Hand and Seal, this Day of

And at every General Assembly of the said Company of Proprietors, One of the Proprietors present shall be appointed Chairman, and shall not only have a single Voice as a Proprietor, but, in case of an Equality of Votes, shall have the decisive or casting Vote, although he may have given One Vote before in relation to the Matter in Question.

First, and other General Assemblies.

LV. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act into Execution shall be held at the Bell Inn, in Market Harborough, upon the Day on which this Act shall commence, at the Hour of Ten in the Forenoon, and the Second General Assembly of the said Company shall be held upon the First Monday in November then next ensuing, at such Place and Hour as the said Company of Proprietors, at their said First Assembly, shall appoint, and all future General Meetings of the said Company shall be held on the First Monday in the Months of May and November respectively in every Year, at the Hour of Ten in the Forenoon, at such Place as the said Company of Proprietors, at their preceding General Assemblies, shall from Time to Time direct and appoint, of which General Assemblies, except the First, Fourteen Days previous Notice at the least shall be given, by publick Advertisement in the Leicester Journal and Northampton Mercury, or in such other Manner as the said Company of Proprietors, at their respective General Assemblies, shall direct; and the said Company of Proprietors, at such respective General Assemblies, shall chuse and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be

poſſeſſed in their own Right of One or more Shares in the ſaid Undertaking, One General Committee, and ſuch other Committee or Committees as the ſaid Company of Proprietors, at any ſuch General Meeting, ſhall judge expedient, to manage the Affairs of the ſaid Company of Proprietors as herein-after directed, the ſaid General Committee to conſiſt of Thirteen Perſons, and every ſuch other Committee to conſiſt of Seven Perſons; and the ſaid Company of Proprietors ſhall have Power and Authority, at any ſuch General Aſſembly, to remove and diſplace any Perſon or Perſons who ſhall have been choſen a Member or Members of ſuch General or other Committee, or any Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions herein preſcribed and laid down with regard to their Proceedings among themſelves, as to 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 Company, and the ſaid Committee or Committees, and their Servants, Agents, or Workmen, and for the whole complete and total Superintendance and Management of the ſaid Undertaking, and of the Bargemen, Watermen, Boatmen, and others, who ſhall carry any Goods, Wares, or Merchandize upon any Part of the ſaid Navigation, Canal, or Collateral Cut, as to the ſaid General Aſſemblies ſhall ſeem meet and fitting, and to impoſe and inflict ſuch reaſonable Fines or Forfeitures upon all Perſons who ſhall offend againſt any ſuch Rules, Bye Laws, or Orders, as to ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Ten Pounds for any One Offence; which ſaid Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the ſaid Company of Proprietors, ſhall be binding upon and obſerved by all Parties uſing or in anyway concerned in the ſaid Navigation, and ſhall be ſufficient, in any Court of Law or Equity, to juſtify all Perſons who ſhall act under the ſame, provided that they be not repugnant to the Laws of this Realm, or to the Proviſions and Directions in this Act contained, or to any of them: And every ſuch General Aſſembly ſhall have Power to call for, audit, and ſettle all Accounts of Money received, laid out, and diſburſed on Account of the ſaid Undertaking, by the Treaſurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Perſon or Perſons whomſoever, employed

employed by or concerned for or under them, in and about the said Undertaking, and the Works thereto belonging; but no Vote or Votes by Proxy shall be given, or have any Power, in or as to the Audit and Settlement of Accounts; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at such General Assembly be thought meet and convenient.

General Assemblies for chusing Committees to consist of 100 Shares.

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

Assembly of Proprietors may be specially convened.

LVII. And be it further enacted, That if it shall at any Time appear that, for the more effectually putting this Act into Execution, a Special Assembly of the said Company of Proprietors is necessary to be held, it shall be lawful for any Ten or more of them to cause Fourteen Days Notice at least to be given thereof in the Leicester Journal and Northampton Mercury, or in such

other Manner as the said Company of Proprietors shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and Place where the same shall be held; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors with respect to the Matters so specified only; and all such Acts of the Proprietors, or of the major Part of them met together at every such Special Assembly, (provided such major Part shall be possessed of One hundred Shares at the least in the said Navigation, either as Principals or Proxies), shall be as valid, with respect to the Matter specified in such Notice, as if the same had been done at General Assemblies.

General Assembly to elect and appoint Officers;

LVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any General Assembly, and they are hereby authorized and required, from Time to Time, to nominate and appoint, by Writing under their Hands, or the Common Seal of the said Company, a Treasurer or Treasurers, and One or more Collector or Collectors of the said Rates, and also One or more Clerk or Clerks to the said Company of Proprietors, (who shall also be Clerk or Clerks to the said General or other Committee or Committees), taking such Securities for the due Execution of their respective Offices as the said Company of Proprietors shall think proper; and such Clerk or Clerks shall, in a proper Book or Books, to be provided by the said Company of Proprietors for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Navigation, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors, and of the General or other Committee or Committees, by virtue of and under the Authority of this Act; and each of the said Proprietors of the said Navigation shall and may, at all convenient Times, have Recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk or Clerks to the said Commissioners, gratis, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words so to be copied the Sum of Sixpence; and if any such Clerk or Clerks to the said Company, and General or other Committee or Committees, or to the Commissioners,

and take Security from them.

ſioners, ſhall refuſe to permit any Proprietors ſo intereſted as aforeſaid to inſpect or peruſe ſuch Book or Books of Proceedings, at all convenient Times and Seaſons, or refuſe to make any ſuch Copy or Copies, at the Rate or Price aforeſaid, he ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds; and whenever any ſuch Clerk ſhall die, or be removed, or quit the Service of the ſaid Proprietors, and ſuch Committee or Committees as aforeſaid, or the ſaid Commiſſioners, it ſhall be lawful for the ſaid General or other Committee of the ſaid Proprietors to appoint ſome other fit Perſon or Perſons, in the Place of the Clerk or Clerks ſo dying, quitting, or being removed, until the then next General Aſſembly, when the Clerk ſo appointed, or ſome other Clerk, ſhall be nominated and appointed for the Purpoſes aforeſaid.

Powers of the Committee, and Regulations reſpecting the ſame.

LIX. And be it further enacted, That no Member of the ſaid General or any other Committee (although he may be a Proprietor of many Shares in the ſaid Navigation) ſhall have more than One Vote in any Committee, except the Chairman, who ſhall be choſen by and out of the ſaid Committees, and who, in caſe of an Equality of Votes upon any Queſtion agitated in the ſaid Committee, ſhall have the caſting Vote, although he may have given One Vote before; and that all the Powers and Authorities hereby veſted in, or directed to be exerciſed by the ſaid General or other Committee or Committees, 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 at ſuch General Committee Meetings, nor leſs than Three at ſuch other Committee Meetings; and every ſuch General and other Committee as aforeſaid ſhall from Time to Time make Reports of their Proceedings to the ſaid General Aſſemblies of the Proprietors, and ſhall obey their Orders and Directions; and the ſaid General Committee, or other Committee or Committees, ſhall (ſubject nevertheleſs at all Times to ſuch Orders and Directions as aforeſaid) meet at ſuch Times and Places, and ſhall 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 their Meetings, the ſaid General and other Committee or Committees ſhall from Time to Time receive, out of the Capital Stock of the ſaid Proprietors, ſuch Sum or Sums of Money as ſhall be directed, adjuſted, and ſettled at ſuch General Aſſemblies, and the ſaid General or other Committee or

Committees

Committees (subject nevertheless at all Times to such Orders and Directions as aforesaid), shall make Agreements and Bargains with the Workmen, Agents, Undertakers, and other Persons employed or concerned in making and compleating the said Undertaking, and all and every Part or Parts thereof, and shall by themselves, or their Clerk or Clerks as aforesaid, keep a full and true Account of all Money disbursed, and all Payments made by the said General or other Committee or Committees respectively, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on Behalf or in respect of such Navigation or Undertaking, from any Collector or Collectors of the said Rates, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions, with the said Navigation or Undertaking, or in or with any Part or Parts thereof; and shall regularly, by themselves, or their Clerk or Clerks as aforesaid, write, insert, and enter in a Book or Books, to be from Time to Time provided, at the Expence of the said Company of Proprietors for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings; which Book or Books shall be deposited with, and kept locked up under the Care and Direction of the said General Committees respectively: Provided always, That every Proprietor, upon every reasonable Desire, shall have free Access thereto as hereinbefore mentioned, for his or her Inspection; and the said General Committee shall have Power, from Time to Time, (subject nevertheless to the Directions and Controul of any such General Assembly), whenever they shall judge it expedient, by Writing under their Hands, to appoint an Engineer or Engineers to inspect the Works of the said Navigation, and an Architect or Architects for erecting and surveying any Buildings to be erected by the said Company of Proprietors, and also a Land Surveyor or Land Surveyors for any Purpose relating to the Execution of this Act; and every such Engineer, Architect, or Land Surveyor shall be paid by the said Company of Proprietors such Salary or Allowance as the said General Committee shall direct or appoint, and any such General Committee may remove any such Engineer, Architect, and Land Surveyor, whenever they think proper; and the said General Committee shall also have Power from Time to Time to make such Call or

Committee to make Calls;

Calls of Money from the Subscribers to, and Proprietors of, the said Navigation, to defray the Expences of, or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds for every One hundred Pounds, and such Calls shall not be made but at the Distance of Two Calendar Months at least from each other; and such General and other Committee or Committees shall (subject nevertheless to the Orders and Directions of such General Assemblies as aforesaid) have full Power and Authority to direct and manage all and every the Affairs of the said Company of Proprietors, as well in contracting for and purchasing Lands, Messuages, Tenements, and other Hereditaments, and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Work and Workmen, and in placing and displacing Under Officers, Clerks, Servants, and Agents, and in making all Contracts and Bargains touching the said Undertaking; and every Owner or Owners of any One or more Share or Shares in the said Undertaking shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid to such Person and Persons, and at such Time and Place, as the said General Committee shall, from Time to Time, appoint and direct; and if any such Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part of the said Money so called for as aforesaid, at the Time and Place appointed by such General Committee, or within Twenty-one Days next ensuing, he, she, or they, so neglecting or refusing, shall forfeit a Sum not exceeding Five Pounds for every Share; and in case such Person or Persons shall continue to neglect or refuse to pay his, her, or their rateable Calls as aforesaid, for the Space of Six Calendar Months after the Time so appointed for Payment thereof, then he, she, or they, so neglecting or refusing, shall forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profits and Benefits thereof; all which Shares so forfeited shall go to and be vested in the rest of the Company of Proprietors of the said Undertaking, in Trust for and for the Benefit of all the rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking.

and appoint Under Officers, and make Contracts.

Books and Accounts to be preserved.

LX. And be it further enacted, That the Book or Books in which all the Accounts relating to the said Undertaking shall be stated and settled, and all other Matters relating thereunto, shall be deposited and locked

up in a Chest or Box, Chests or Boxes, to be kept at such Place or Places as the said Company of Proprietors shall from Time to Time direct, and the Key or Keys thereof the Committee for the Time being shall have in their Custody or Power; and every Proprietor, upon every reasonable Request, shall have free Access to the same for his, her, or their Inspection.

Shares may be forfeited, but no Advantage to be taken of Forfeiture without Notice.

LXI. Provided nevertheless, That no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until after personal Notice shall be given to or left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, by any Clerk for the Time being to the said Company of Proprietors, and the same Share or Shares shall likewise be declared to be forfeited at some General or Special Assembly of the Company of Proprietors, within Six Calendar Months next after such Forfeiture shall have been incurred; and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor so forfeiting, against all and every Action and Actions, Suits, and Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract, or other Agreement between the Proprietor or Proprietors incurring such Forfeiture, and the rest of the said Company of Proprietors, with regard to carrying on the said intended Navigation and Undertaking.

On the Death of Subscribers before Share compleated, Executors may do it.

LXII. Provided also, and be it further enacted, That if any Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on each Share which he, she, or they shall have been possessed of, or entitled to, without having made Provision, by Will or otherwise, how or in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Undertaking, then, and in such Case, the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such Owner deceased, shall be indemnified against all and every such Infant or Infants, and against all and every other Person and Persons whomsoever, for or on Account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid, to compleat every such Subscription; and if such Owner or Owners deceased shall not have left Assets sufficient,

sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be, and they are hereby authorized and required to admit any other Person or Persons to be Proprietor or Proprietors of the Share or Shares of such Owner or Owners deceased, on Condition that he, she, or they, so admitted, do and shall, on or before such Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who may be entitled to his or her Effects, the full Sum and Sums of Money which shall have been paid by such Owner or Owners in his, her, or their Life-time, by virtue of any Call or Calls, or otherwise, upon such Share or Shares, or such other Sum or Sums of Money as the same can be sold for; and in case no such Person or Persons shall be found who is or are willing to be admitted on such Conditions as aforesaid, then, and in such Case, such Share or Shares shall be forfeited to, and become vested in the rest of the Company of Proprietors of the said Navigation.

Shares may be sold.

LXIII. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, his, her, or their respective Executors or Administrators, to sell and dispose of any Share or Shares to which he, she, or they may be entitled, subject to the Rules and Conditions herein mentioned, the Conveyance of which Shares shall be according to the Form following:

Form of Conveyance of Shares.

I *A. B.* in Consideration of paid to me by *C. D.* do hereby bargain, sell, and transfer to the said *C. D.* Share of the Navigation, called *The Leicestershire and Northamptonshire Union Canal* (being N° of the Shares in the said Navigation), to hold to him the said *C. D.* his Executors, Administrators, and Assigns, subject to the same Rules, Orders, and Restrictions, and on the same Conditions, that I held the same immediately before the Execution hereof: And I the said *C. D.* do hereby agree to take and accept the said Shares, subject to the same Rules, Orders, Restrictions, and Conditions. As Witness our Hands and Seals, this Day of

And on every such Sale the said Deed of Conveyance (being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares) shall be

kept by the said Purchaser or Purchasers, for his, her, or their Security, after the Clerk or Clerks to the said Company of Proprietors shall have entered in a proper Book or Books, to be kept for that Purpose, a Memorial of such Transfer and Sale, for the Use of the said Company, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid; and the said Clerk or Clerks is or are hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid unto him, her, or them, or any Vote as a Proprietor or Proprietors thereof.

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

LXIV. And be it further enacted, That after any Call of such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, upon Pain of forfeiting his, her, or their respective Share or Shares therein to the said Company, in Trust for the Benefit of all the said Proprietors, unless he, she, or they, at the Time of such Sale or Transfer, shall have paid and discharged to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner before directed.

Regulations as to the Acquisition of Shares.

LXV. And whereas much Inconvenience may arise by the frequent Transfer and Sale of the Right and Title to the Shares of and in the said Undertaking, by the Marriage and Death of Proprietors; and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid, and do belong; be it therefore further enacted, That before any Person or Persons, who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage, shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person, before One of the Judges at Westminster, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk or Clerks to the said Company for the Time being, who shall file the same, and make an Entry thereof

thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sales of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in a Course of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, shall be produced and shewn to the said Clerk or Clerks, or an Affidavit, containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or of the Letters of Administration, in case the Proprietor shall have died Intestate, shall be made and sworn to by an Executor or Executors of such Will, or by an Administrator or Administrators of the Estate and Effects (as the Case may happen to be) before One of the Judges at Westminster, a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in Manner herein-before mentioned.

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

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

or prevent the Owner of any of the said Shares from selling or disposing thereof.

LXVII. And, in Consideration of the great Charge and Expence which the said Company of Proprietors must incur and suffer in making and maintaining the Works hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time, and at all Times hereafter, to ask, demand, take and recover, to and for their own proper Use and Behoof, the several Rates herein-after mentioned, for the Tonnage and Wharfage of all Minerals, Merchandize, and other Goods, Matters, and Things whatsoever, which shall be carried or conveyed upon the said Navigation, Canal, or Collateral Cut, or any of them; (that is to say):

Rates of Tonnage.

For all Coal and Coak, to be navigated and conveyed upon the said Navigation, Canal, or Collateral Cut, the Sum of Two-pence Halfpenny per Ton per Mile; so that to whatever Extent the same shall be carried or conveyed the Amount of such Tonnage in the Gross shall not exceed the Sum of Five Shillings per Ton:

For all Lime, Dung and Manure, and Limestone, the Sum of One Penny Farthing per Ton per Mile; so that to whatever Extent the same shall be so carried or conveyed, the Amount of such Tonnage in the Gross shall not exceed the Sum of Two Shillings and Sixpence per Ton:

For all Cattle, Calves, Sheep, Swine, and other Beasts, and all Stones, and all Bricks, Tiles, Slates, and Sand, and all Iron Stone, Pig Iron, and Pig Lead, the Sum of Two-pence per Ton per Mile:

For all other Goods, Wares, Merchandizes, and Things whatsoever, the Sum of Three-pence per Ton per Mile.

Proportion of a Mile to be taken as a Mile.

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

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

Recovery of Rates.

Rates may be altered.

Exemptions from Rates.

LXVIII. Provided always, and be it further enacted, That none of the said Rates shall be payable, or demanded or taken, by virtue of this Act, for or in respect of any Officers or Soldiers upon their March, or for any Horses, Arms, or Baggage of or belonging to such Officers or Soldiers; or for or in respect of any Timber purchased or provided for the Use of His Majesty's Navy, or any Stores or other Things belonging to His Majesty's Naval or Military Service, the Person or Persons having the Care or Conduct of such Timber, Stores, and other Things belonging to His Majesty's Service, producing a Certificate from the Navy Board, or the Board of Ordnance, that such Timber, Stores, or other Things, are for His Majesty's Naval or Military Service; and that none of the said Rates shall be payable, or demanded or taken, by virtue of this Act, for or in respect of any Gravel, Sand,

or other Materials to be employed for the Purpose only of making or repairing of any publick Roads, nor for or in respect of any Dung, Marl, Soil, Compost, or other Manure, (Lime and Limestone excepted) for the Purpose of manuring of any Lands or Grounds belonging to any Person owning Land or Ground, through or adjoining to which the said Navigation, Canal, or Collateral Cut, shall pass or be made, provided the same do not pass any Lock to be made by virtue of this Act but at such Time when the Water shall flow over the Waste Weir of such Lock; and that the Person or Persons who shall own, or be concerned or employed in carrying such Gravel or Sand, or other Materials, Dung, Marl, Soil, Compost, or other Manure (except as aforesaid) shall have free Liberty to make Use of the Towing Paths, Wharfs, or Quays, belonging to the said Company of Proprietors, such Person or Persons not suffering the same to 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: Provided also, That if any Person shall claim and take the Benefit of such Exemption, not being entitled thereto, or shall use or dispose of any of the Articles for which any such Exemption shall have been allowed, in any other Manner than as before mentioned, he shall, for every such Offence, forfeit any Sum not exceeding Five Pounds.

Further Allowance for Goods remaining upon a Wharf a certain Time.

LXIX. Provided always, and be it further enacted, That if any Minerals, or Timber, Goods, Merchandize, or any other Matters or Things whatsoever, which shall be so carried and conveyed on the said Navigation, Canal, or Collateral Cut, shall lie or remain upon any Wharf or Wharfs, Quay or Quays, belonging to the said Company of Proprietors, for above the Space of Twenty-four Hours, then, and in such Case, the said Company of Proprietors shall be entitled to receive such reasonable Rates or Allowance, over and above the Rates herein-before imposed, as shall be agreed upon between the said Company of Proprietors, or their Agent or Agents, and the Owner or Owners of such Goods, Wares, Merchandize, or other Things; and in case of any Dispute concerning the same, it shall be ascertained and adjusted by the said Commissioners.

Company impowered to lease the Rates.

LXX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and impowered, at any of their General Assemblies, by Writing under their Common Seal, at any Time or Times, to let to farm the Rates hereby granted, or any Part or Parts thereof, upon the Whole or any Part

Part or Parts of the said Navigation, Canal, or Collateral Cut, unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Fourteen Years from the Commencement of any Lease; and every such Lease shall be valid and effectual, and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates so let, and shall have the same Power and Authority for collecting the same, as if they had been appointed for that Purpose by the said Company of Proprietors, provided publick Notice of the Intention to let the said Tolls, or any Part thereof, be given, by Writing under the Hands of the said General Committee, or any Five or more of them, in such Manner as is herein-before mentioned, at least Twenty Days prior to any such General Assembly, at which the said Rates, or any Part thereof, are proposed to be let as aforesaid.

Masters of Boats to give an Account of their Lading.

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

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

What Quantity of Timber and light Goods shall be deemed a Ton.

LXXII. And, for the better ascertaining the Tonnage of Timber or Wood to be charged with the Payment of Rates as aforesaid, and the Contents and Burthen of the Boats and other Vessels carrying and conveying such Timber or Wood, and also other Goods, Matters, and Things, on the said Navigation, Canal, or Collateral Cut, be it further enacted and declared, That Forty Cubick Feet of Oak, Ash, or Elm Timber, and Fifty Cubick Feet of Fir or Deal Balk, Poplar, Beech, or Birch, shall be respectively deemed, rated, and estimated, as and for One Ton Weight; and that One hundred and Twenty Pounds Weight Avoirdupois shall be deemed and taken as and for One hundred Weight of Lime and Coals, any Usage of rating or estimating the same to the contrary hereof notwithstanding; and if any Difference shall arise between any Collector of the said Rates, and the Master or other Person having the Care, Charge, or Rule of any Boat or other Vessel, or the Owner of any Goods, Wares, Merchandize, or other Things loaded or embarked therein, concerning the Measure of such Timber, or concerning the Weight or Quantity of the Goods, Wares, or other Matters or Things therein embarked or contained, it shall be lawful for any such Collector to seize and detain any such Boat or other Vessel, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, all such Timber, Goods, Wares, and Merchandize, or other Matters or Things as shall be therein embarked or contained; and in case the said Timber, or the said other Matters and Things, or any of them, shall, upon such weighing, measuring, or gauging, appear to be of greater Measure, Weight, or Quantity, than such Master, Owner, or other Person having the Care or Charge of such Boat or other Vessel affirmed the same to be, then the Master, Owner, or other Person so affirming, shall pay the Costs and Charges of such weighing, measuring, and gauging, all which said Costs and Charges, upon Refusal of Payment upon Demand, shall and may be recovered in the same Manner as the said Rates are hereby appointed to be recovered; but if such Timber, Goods, Wares, Merchandize, Matters, and Things, shall appear to be of the same or of a less Weight or Quantity than the Master, Owner, or other Person so affirmed the same to be, then the said Collector shall pay

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

the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Master or other Person, or to the Owner or Owners of such Goods, Wares, Merchandize, or other Things, such Damages as shall appear to the said Commissioners, upon the Oath of any credible Witness, (which Oath the said Commissioners are hereby impowered and required to administer), to have arisen from such Seizure and Detention; and in Default of immediate Payment thereof, the same shall be recovered from the said Company of Proprietors, by Action of Debt, in any of His Majesty's Courts of Record.

Power to fix the Price of small Parcels.

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

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

LXXIV. And be it further enacted, That all Persons whomsoever shall have free Liberty to use, with Horses, Cattle, and Carriages, the private Roads and Ways (except the Towing Paths), and likewise the Sluices, Trenches, and Passages to be made by virtue of this Act, for the Purpose of conveying any Minerals, Merchandize, Timber, or other Goods, Wares, Merchandize, or other Things, to or from the said Navigation, Canal, or Collateral Cut, or any Part thereof, without paying any

Thing

Thing for the same, and also to navigate and pass upon, and use the said Navigation, Canal, or Collateral Cut, with any Boats or Vessels (of Pleasure or otherwise), and to employ the said Wharfs and Quays for loading and unloading such Minerals, Merchandize, Timber, and other Goods and Things, and also to use the said Towing Paths with Horses or otherwise, for haling and drawing such Boats and Vessels, upon Payment of such Rates as shall be demanded by the said Company of Proprietors, not exceeding the Sums herein-before mentioned, provided the said Boats and other Vessels shall not use the said Navigation at any other Time than between the Hours of Seven in the Morning and Five in the Evening, during the Months of November, December, January, and February; between the Hours of Five in the Morning and Seven in the Evening, during the Months of March, April, September, and October; and between the Hours of Four in the Morning and Nine in the Evening, during the Months of May, June, July, and August, in every Year; and provided that no Boat or other Vessel, of less Dimensions than Sixty Feet in Length and Twelve Feet in Breadth, or of less Burthen than Thirty Tons, shall pass through any of the Locks to be made by virtue of this Act (unless the Water shall then run over the Waste Weirs above the said Locks) without the Consent of the said Company of Proprietors, or their General or other Committee, in Writing, first had and obtained for that Purpose.

Drains to be made to convey Water from the Lands adjoining;

LXXV. And, to the End that the said Navigation may be carried on with as little Damage to private Property as possible, be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their own proper Costs and Charges, to make, or cause to be made, such Arches, Tunnels, Culverts, Drains, or other Passages, over, under, by the Side of, or into the said Navigation, Canal, or Collateral Cut, and the Trenches, Streams, and Watercourses communicating therewith, and the Towing Paths on the Sides thereof respectively, of such Depth, Breadth, and Dimensions, as shall be sufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the said Navigation, Canal, or Collateral Cut, without obstructing or impounding the same; and likewise to make, or cause to be made, such Back Drain or Drains as may be necessary, and shall be sufficient to carry off any Water which may ooze or pass through any of the Banks of the said Navigation, Canal, or Collateral Cut, or any Part thereof, to the Prejudice of any of the Lands or Grounds contiguous thereto; and also to make proper Watering

and Watering Places for Cattle.

Places for Cattle, in all Cases where, by Means of the said Navigation, Canal, or Collateral Cut, the Cattle of any Person or Persons occupying Lands adjacent to the said Navigation, Canal, or Collateral Cut, shall be deprived of their ancient Watering Places, and to supply the same with Water out of the said Navigation, Canal, or Collateral Cut, if necessary; and that all such Bridges, Arches, Tunnels, Culverts, Drains, and other Passages, shall from Time to Time be supported and kept in good and sufficient Repair by the said Company of Proprietors; and if at any Time, after One Month's Notice in Writing shall, by or on Behalf of the said Owners or Occupiers of Lands adjoining or lying near to the said Navigation, Canal, or Collateral Cut, or any Part of them, be given to the said Company of Proprietors, or to their Clerk or Clerks, known Agent or Collector, that the said Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or any of them, is or are not made, cleansed, and repaired, according to the true Intent and Meaning of this Act, it shall be lawful for any Person or Persons to apply for and obtain an Order in Writing from any Five or more of the said Commissioners, at any Meeting from Time to Time, as often as there shall be Occasion, and the said Commissioners are hereby authorized and required, at their Discretion, to grant such Order as aforesaid, enabling such Person or Persons to cleanse and repair such Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages accordingly, and the reasonable Expences thereof (to be ascertained by the said Commissioners) shall be defrayed by the said Company of Proprietors; and in case of Neglect or Refusal to satisfy and defray such Expences, for the Space of Two Calendar Months after Demand thereof made upon the said Company of Proprietors, or upon their Clerk, or known Agent or Collector, such Expences shall and may be recovered in such Manner as any other Money is by this Act directed to be recovered from the said Company of Proprietors: Provided always, that such Owner or Occupier of the said contiguous or adjoining Lands shall at the Time of making such Complaint have his or her respective Ditches, Drains, Passages for Water, and Watercourses leading to or from the Drains, Culverts, and Passages of the said Navigation, Canal, or Collateral Cut, and every Part thereof, sufficiently cleansed and open to convey Water into the same: And provided also, that nothing herein contained shall extend to enforce the admitting of any Water arising from Floods into the said Navigation, Canal, or Collateral Cut, which may injure the same.

LXXVI. And

To build Bridges over Turnpike Roads.

LXXVI. And whereas the said intended Canal will cross the Harborough and Welford Turnpike Road at Five Places, whereby much Inconvenience may ensue to the Publick, unless Provision is made for preventing the same; be it enacted, That the said Company of Proprietors shall, and they are hereby required to lay before the Commissioners or Trustees of the said Road a Section of each Bridge to be built upon the said Turnpike Road, describing such Part or Parts of the said Road where such Bridges are intended to be erected, and that all such Bridges shall be made and erected conformably to the Order and Directions of the Commissioners or Trustees of the said Turnpike Road, in all Cases where any such Directions shall be given for that Purpose, so as not to interfere with the Purposes of the said Navigation, unless the Commissioners appointed by this Act, or any Five or more of them, on Application to them made at any Meeting held pursuant to this Act, shall determine that such Bridge or Bridges ought not to be so made.

To make a Road over the Tunnel.

LXXVII. And be it further enacted, That the said Company of Proprietors shall and they are hereby required, on Application to their Clerk or Clerks for the Time being, from the Owner or Owners of any Land under which any Tunnel shall be made or driven, or be proposed to be made or driven, for the Purposes of the said intended Navigation, to purchase so much of the Land of such Owner or Owners respectively, under or near to which such Tunnel shall be made or driven, or be proposed to be made or driven, as shall be sufficient for the Purpose of forming a proper and convenient Lane, Way, or Passage over the Land of such Owner or Owners respectively, for the Haling Horses, Cattle, and Persons used or employed in the said Navigation; and shall, at the Costs and Charges of the said Company, in all Things forthwith upon such Purchase, divide, separate, and fence out, and for ever afterwards constantly keep divided, separated, and fenced out, all the Land so to be purchased from the Lands and Grounds adjoining thereto on both Sides thereof, so as to prevent the said Horses and Cattle from going into or in any Manner trespassing upon the said adjoining Lands or Grounds, such Fences to be made upon the said Land to be purchased by Quickset Hedges and Ditches, properly guarded with Posts and Rails, and so as to be and remain effectual Fences against Sheep, Lambs, and other Cattle, and the Purchase Money in every such Case to be settled, adjusted, levied, paid, and disposed of by such Means and in such Manner as are herein appointed or directed in regard to other Pur-

chaſe Monies; and the Owners and Occupiers of the ſaid adjoining Lands or Grounds ſhall have and be entitled to all ſuch Privileges and Benefits of every Sort and Kind, as well in reſpect of Gates, Stiles, Paſſage, and otherwiſe, in, upon, along, and over the Land ſo to be purchaſed and fenced out, as are by this Act provided or given to or for the Owners or Occupiers of Lands adjoining to any Towing Path in, upon, or along ſuch Towing Path.

To puddle the Sides of the Canal in certain Places.

LXXVIII. Provided always, and be it further enacted, That the ſaid Company of Proprietors ſhall, at their own Expence, well and effectually puddle the Sides of the ſaid intended Navigation or Canal through the Cloſes, Lands, and Grounds of the ſaid Sarah Counteſs of Denbigh, in the ſaid Lordſhip or Liberties of Newton Harcourt, Great Glen, and Kebworth Beauchamp, and every of them; and through the Cloſes, Lands, and Grounds of Thomas Pares Gentleman, in the ſeveral Lordſhips of Great Oxenden and Little Oxenden aforeſaid; and through the Cloſes, Lands, and Grounds of Caleb Lowdham Gentleman, and the Reverend William Pares, and each of them, in the Lordſhips of Saddington and Lubenham aforeſaid, or either of them, ſo and in ſuch Manner as to prevent as much as poſſible the Water oozing through ſuch Sides, to the Detriment of the Parts of the ſaid ſeveral Cloſes, Lands, or Grounds, lying below the ſaid intended Navigation; and ſhall complete the ſaid Navigation (except as to Locks) through all the ſaid Cloſes, Lands, and Grounds of the ſaid Counteſs, within the Space of Twelve Calendar Months next after they the ſaid Company ſhall begin to cut the ſame for the Purpoſes of this Act; and through the ſaid Cloſes, Lands, and Grounds of the ſaid Thomas Pares, within the Space of Twelve Calendar Months next after the ſaid Company ſhall begin to cut the ſame for the Purpoſes of this Act; and through the ſaid Cloſes, Lands, and Grounds of the ſaid Caleb Lowdham and William Pares, and each of them, within Six Calendar Months next after they the ſaid Company ſhall begin to cut the ſame for the Purpoſes aforeſaid.

For fencing off Towing Paths.

LXXIX. And be it further enacted, That the ſaid Company of Proprietors ſhall at their own Coſts (within Three Calendar Months next after any Part of the ſaid Canal or Collateral Cut, Trenches or Paſſages, and Towing Paths thereto reſpectively belonging, ſhall be dug out and formed) divide and ſeparate, and keep conſtantly divided and ſeparated, the Towing Paths on each Side of the ſaid Canal and Collateral Cut, Trenches or

Passages, from the adjoining Lands or Grounds, by Posts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences sufficient to keep off Sheep and other Cattle, to be set and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in them as aforesaid; and the said Company of Proprietors shall, at their own proper Costs and Charges, from Time to Time, maintain and support the said Towing Paths, and the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences, so set up and made as aforesaid, and also shall, at their own like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates, Bridges, and Stiles, in, over, and through all the Hedges and Fences to be by them so made on the Sides of such Towing Paths as aforesaid, in such Manner as the said Commissioners shall at such Publick Meetings from Time to Time judge necessary and appoint, for the Use of the Owners and Occupiers of the Lands and Grounds, Mills, or Hereditaments adjoining to such Canal, Cut, and other Works, or any of them respectively; and the said Company of Proprietors shall not make the said Canal or Collateral Cut, or any Part thereof, or any Trench or Watercourse belonging to the same, in or across any Common Highway, Publick Bridle Way, or Foot Path, so as to obstruct the same, until they shall, at their own proper Costs and Charges, have made and provided a good sufficient temporary Road, Bridle Way, or Foot Path, for the Accommodation of all Persons whomsoever until a good and sufficient Bridge or Bridges, Passage or Passages, Arch or Arches, over, across, or under the said Highway, Publick Bridle Way, or Foot Path, shall be made and perfected; and all such Gates, Stiles, Bridges, Arches, and other Works and Conveniences, so to be made as aforesaid, shall from Time to Time thereafter be supported, maintained, and kept in sufficient Repair, by the said Company of Proprietors: Provided, That nothing in this Act contained shall extend, or be construed to extend, to oblige the said Company of Proprietors to fence off the Towing Paths on the Sides of the said River Soar or River Nen, or on the Sides of any Cuts which shall be made for the Purpose of straightening the Bends of either of the said Rivers.

Particular Directions for fencing the Towing Paths through Lady *Denbigh's* Estate.

LXXX. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, well and effectually divide and separate, and keep constantly divided and separated, the Towing Paths on

on the Sides of the said Cuts or Canals, to be made in, over, through, or adjoining to any of the Estates belonging to the said Sarah Countess of Denbigh, and also to Mary Maior Widow, by Quickset Hedges, properly guarded with Posts and Rails from the Lands and Grounds adjoining to such Towing Path, sufficient to keep in Sheep and other Cattle, such Hedges and Fences to be set and made on the Lands or Grounds which shall be purchased or taken by, conveyed to, or vested in the said Proprietors as aforesaid; and that the said Sarah Countess of Denbigh, Mary Maior Widow, and the Owners and Occupiers of the Lands adjoining to such Towing Path, shall have and be entitled to all such Privileges and Benefits, of every Sort and Kind, as well in respect of Gates, Stiles, Bridges, Passages, and otherwise, as are in and by this Act provided for and given to the Owners and Occupiers of any Lands from whence the Towing Path adjoining thereto is by this Act directed to be fenced off or separated; and that the said Company of Proprietors shall likewise, at their own proper Costs and Charges, make and maintain such Carriage and other Bridges, with raised Abutments thereto, over the said Cuts or Canals, to be made in, upon, or through any Part of the said Estates belonging to the said Countess of Denbigh and Mary Maior respectively, as shall be necessary for the Convenience of the Tenants in the Occupation thereof, such Carriage Bridges to be of such Height or Pitch as not to require any additional Horse for drawing Carriages over the same.

To erect Three Bridges on the Estate of *Thomas Pares* Esquire.

LXXXI. And be it further enacted, That the said Company of Proprietors shall, at their own Expence, previous to their completing the cutting the said intended Navigation through the Closes, Lands, and Grounds of the said Thomas Pares, in the Lordship or Liberties of Great Oxendon and Little Oxendon aforesaid, make and erect Three Bridges at the least across or over the same, in such Part or Parts of such Closes, Lands, or Grounds, as the said Thomas Pares, or the Owner thereof for the Time being, shall appoint, which Bridges shall be made according to the Form prescribed for making Bridges in the Estate of the Countess of Denbigh, and from and after the Time of making thereof be for ever afterwards repaired by and at the Expence of the said Company.

If Company do not fence off Towing Paths, and make Bridges,

LXXXII. And be it further enacted, That in case the said Company of Proprietors, or their Agents, shall refuse or neglect to divide and separate, and to keep divided and

 separated,

separated, the Towing Paths of the said Cuts or Canals, in Manner herein-before directed, or to make, erect, and set up, such Gates, Bridges, and Stiles, in, over, and through the Fences on the Sides of the said Towing Paths, or such Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Passages, or to make such Watering Places for Cattle as herein-before directed, for the Use and Convenience of the respective Owners or Occupiers of the Lands, Mills, or Hereditaments, adjoining or near to the said Navigation, or to maintain and support such Gates, Stiles, Bridges, Arches, Passages, and Watering Places, when erected, set up, and made, of such Dimensions, and in such Manner as aforesaid, for the Space of Three Calendar Months next after the Times to be appointed for those Purposes by the said Commissioners, then, and in every such Case, it shall be lawful for every or any of the Owners or Occupiers of the said adjacent Lands, Grounds, Mills, or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to make, erect, and set up all such Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences, as the said Commissioners shall have before directed or appointed to be made, erected, and set up, by the said Company of Proprietors, and to maintain, repair, and support the same, from Time to Time, as Occasion shall require, so that in making and maintaining such Works as aforesaid the said Navigation, or the Banks thereof, shall not be stopped or injured for any longer Space of Time, or in any other Manner, than the same would necessarily have been, if such Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniences, of the like Dimensions or Constructions, had been made or erected by the said Company of Proprietors as aforesaid, and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Commissioners) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, Mills, or other Hereditaments, who shall have so erected and made, repaired or maintained such Works as aforesaid, by the said Company of Proprietors, within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors or their Clerk for the Time being; and in Default of Payment of the said Costs and Charges, within the Time aforesaid, the said Commissioners shall and they are hereby required,

&c. Land Owners may do it, at Company's Expence.

required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors which shall be found in or upon the said Navigation, or the Wharfs, Quays, or Warehouses adjoining or near to the same, belonging to the said Company, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company of Proprietors, or to some of their known Agents or Collectors, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners, or otherwise every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may have such and the like Remedy against the said Company of Proprietors for the Recovery thereof, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed.

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

LXXXIII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments, through which the said Navigation, Canal, or Collateral Cut shall be made, or any other Person having a Right of Way, or Passage over such Lands, do or shall, at any Time or Times hereafter, find upon Experience that the several Gates, Stiles, Bridges, Passages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Passages, Watering Places, and other Conveniences respectively, which the said Commissioners shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient, either in their Number or Situation, for the commodious Use and Occupation of their respective Lands, Grounds, Mills, or Hereditaments, or Right of Way or Passage as aforesaid, on both Sides or on either Side thereof, then and so often, or in any such Case, it shall be lawful for all or any such Owners or Occupiers, or other such Person, with the Consent and Approbation of the said General Committee, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Ten Days after such Request, then with the Consent and Approbation of the said Commissioners, to make, fix, and erect, at their own Costs and Charges, One or more Gate or Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniences, of the same or the like Construction with others made and erected by the said Company of Proprietors in, over, or

near to the said Navigation, or the Towing Paths thereof respectively, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands and other Hereditaments, or Enjoyment of such Right of Way or Passage as aforesaid, and to repair and support the same at their own like Costs and Charges, as Occasion shall require, so as that the said Navigation be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner, than the same must necessarily have been, if such Gates, Stiles, Bridges, Passages, Arches, Watering Places, or other Conveniences, had been made or erected by the said Company of Proprietors as aforesaid.

Towing Paths to be used as a Horse Way, &c. by the Occupiers of Land.

LXXXIV. And be it further enacted, That all Owners and Occupiers of Lands adjoining to which the said Towing Paths shall be made, shall have free Liberty to use the same as a Foot Way, Horse Way, or Drift Way, for their Cattle to, from, or through their respective Lands, and to or from their respective proper Watering Places; and in case any such Person or Persons as aforesaid shall not give Way to the Horses employed in haling such Boats, Barges, or other Vessels, or shall wilfully cause or suffer his, her, or their Horses or Cattle to stop or interrupt the Horses employed in haling Boats, Barges, or other Vessels as aforesaid, every such Person shall, for every such Offence, forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings, at the Discretion of the Justice to whom Complaint shall be made; and all Persons authorized to use the said Towing Paths by themselves, or with Horses (not drawing) or other Cattle as aforesaid, shall be liable to the like Penalties and Forfeitures for any Trespass or Neglect herein-before specified as Owners or Drivers of Horses employed in haling Boats, Barges, or Vessels as aforesaid, are subject and liable to by this Act; and that no Person or Persons, Horse or Horses, except as aforesaid, and except such as shall be used and employed for the Purpose of making or repairing the said Towing Paths, and the Works hereby authorized to be made and erected, shall be permitted to use and pass upon the said Towing Paths.

Works damaged by Floods to be repaired by the Company.

LXXXV. And whereas it may happen from Floods, or from some unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Reservoirs, Trenches, or some other Works of the said Navigation, may be injured and destroyed, and the adjacent Lands may thereby suffer Damage; and that it shall be necessary

that

that the same should be immediately repaired or rebuilt, to prevent further Damages; be it therefore further enacted, That when and as often as any such Case may happen, it shall be lawful for the said Company of Proprietors from Time to Time, or for their or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Person or Persons whomsoever, to enter into or upon any Lands, Grounds, or Hereditaments, adjoining or near to the said Navigation, Canal, or Collateral Cut, and other Works and Conveniencies, or any of them (not being the Ground whereon any House or other Building stands, or an Orchard, Garden, Park, Paddock, planted Walk, Nursery for Trees, or Avenue to a House), and to dig for, work, get, and carry away, and use all such Stones, Gravel, and other Materials, as may be necessary or proper for the Purposes aforesaid, without any previous Treaty whatsoever with the Owner or Owners, Occupier or Occupiers of, or other Person or Persons interested in such Lands, Grounds, or Hereditaments, or any of them, doing as little Damage thereby as the Nature of the Case will permit, and making Recompence for the same to the Owners and Occupiers of, or other Persons interested in such Lands, Grounds, or Hereditaments, within the Space of Three Calendar Months next after the same shall be demanded, which Damages, and the Compensation to be made in respect thereof, shall be settled and determined, or assessed by the Ways and Means herein-before prescribed and directed with respect to other Damages to be done by making and compleating the said Navigation.

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

LXXXVI. And be it further enacted, That if at any Time hereafter the Ditches or Drains belonging to any Owner or Occupier of Lands adjoining or lying contiguous to the said Navigation, Canal, Collateral Cut, and other Works, or any of them, shall, by Reason of their not being sufficiently cleansed or opened, hinder and obstruct the Watercourse or Watercourses from the Drains, Culverts, and Passages belonging to the said Navigation, and if the same shall not be perfectly cleansed and opened within One Calendar Month after Notice in Writing shall have been given thereof to such Owner or Occupier, by any Clerk or Agent of the said Company of Proprietors, it shall then be lawful for the said Company of Proprietors (an Order in Writing for that Purpose having been first obtained from any Five or more of the said Commissioners), from Time to Time as often as there shall be Occasion to open and cleanse, or cause to

be opened and cleanſed, the ſaid Ditches or Drains, and the reaſonable Expences thereof, when aſcertained and allowed by the ſaid Commiſſioners, ſhall be repaid to the ſaid Company of Proprietors, by the Owners or Occupiers of ſuch Lands or Grounds to which the ſaid Ditches and Drains, ſo opened and cleanſed, ſhall belong; and in caſe of Refuſal to ſatisfy the ſame, for the Space of Two Calendar Months after Demand ſhall have been made thereof, from the reſpective Owners or Occupiers of ſuch Lands and Grounds as aforeſaid, ſuch Charges and Expences ſhall and may be recovered in ſuch Manner as Forfeitures and Penalties are hereinafter directed to be recovered.

Millers not to draw down the Water below a certain Height.

LXXXVII. And be it further enacted, That no Occupier or Miller of any Mill or Mills on the Line of the ſaid intended Navigation, Canal, or Collateral Cut, ſhall at any Time draw down, or cauſe to be drawn down, the Water which at preſent ſupplies ſuch Mill or Mills lower than Six Inches below the Height of a full Pond; and alſo, that the Occupier or Miller of every ſuch Mill ſhall keep the Flood Gates belonging to the ſame in ſuch good and ſubſtantial Repair as at all Times to prevent any conſiderable Quantity of Water from leaking through the ſame; and in caſe any ſuch Miller or Occupier ſhall draw down, or cauſe to be drawn down, the Water lower than Six Inches below the Height of a full Mill Pond, or neglect or refuſe to keep the Flood Gates belonging to his Mill or Mills in ſuch Repair as aforeſaid, every Perſon offending in either of the Caſes aforeſaid ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXXVIII. Provided always nevertheleſs, That nothing in this Act ſhall extend, or be deemed or conſtrued to extend, to prevent or hinder the Owners or Occupiers for the Time being of the Cotton Mill and Works before mentioned from uſing all or any Part of the Water forming their Mill Pond, which may be neceſſary to be by them uſed for the Purpoſes of their Manufactory.

Company not to take more Water from *Aileſtone* Mill than ſhall be neceſſary for the Trade of the Town of *Aileſtone* and the Neighbourhood.

LXXXIX. And be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to enable the ſaid Company of Proprietors, or their Succeſſors, to take, for the Purpoſes of the ſaid Navigation, any more of the Water which now ſupplies the Mill in the Pariſh of Aileſtone aforeſaid, called Aileſtone Mill, than ſhall be found neceſſary for the Trade of the ſaid Town of Aileſtone, or the Neighbourhood thereof.

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

XC. And be it further enacted, That any Owner or Owners of any Lands or Grounds through, or by which

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

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

XCI. Provided always, and be it further enacted, That if any such Lord, Lady, or Land Owner, within the Space of Twelve Calendar Months next after Notice given in Writing to him or her, or left at his or her usual Place of Abode, by or on Behalf of the said Company of Proprietors, that any Part or Parts of such Lands, Grounds, or Wastes, is or are intended to be used by them for the Purpose of making and erecting Wharfs, Warehouses, Buildings, or other Conveniences as aforesaid, for the Use of the said Navigation, or for laying out and making necessary and convenient Roads for the

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

Regulations as to private Wharfs.

XCII. And be it further enacted, That no Rate or Sum of Money shall be demanded or taken by any such Lord, Lady, or Land Owner, as or for Wharfage for any Minerals, Timber, or other Goods, Matters, or Things whatsoever, which shall be loaded into or discharged from any Boat or other Vessel, unless the same shall lie upon such Wharfs or Quays for a longer Space of Time than Six Hours; and where the same shall remain upon such Wharfs or Quays for a longer Time than Six Hours, the Rate of Wharfage for the same shall be adjusted and settled by the said Commissioners, in case of Disagreement between the Parties; but no Price or Sum of Money shall be demanded or taken for the Use of the said Roads for the Conveyance of any Minerals, Timber, or other Goods, Matters, or Things whatsoever, to and from the said Navigation, Canal, or Collateral Cut.

XCIII. And

Company of Proprietors, or others, not to use private Wharfs.

XCIII. Provided always, and be it further enacted, That nothing herein contained shall authorize or impower the said Company of Proprietors, or any other Person or Persons, 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 Navigation, Canal, or Collateral Cut, for his, her, or their private exclusive 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, any Thing herein-before contained to the contrary notwithstanding.

Masters to put their Names on the Outside of Boats.

XCIV. And be it further enacted, That every Owner, Master, or Person having the Rule or Command of any Boat, Barge, or other Vessel, passing upon the said Navigation, Canal, or Collateral Cut (not being a Pleasure Boat) shall and is hereby required to cause his Name and Place of Abode, and the Number of his or her Boat, Barge, or other Vessel, to be entered with the Clerk or Clerks to the said Company of Proprietors, and shall also cause such Name and Number to be painted in large White Capital Letters and Figures, on a Black Ground, Three Inches high at the least, and of a proportionable Breadth, on the Outside of the Head or Stern of every such Boat, Barge, or other Vessel, higher than the Place to which the same shall sink into the Water when full laden; and also shall and is hereby

Weight of the Lading of the Vessels to be marked.

required to fix on each Side thereof respectively correct Indexes of Copper, Lead, or other Metal, of such graduated Dimensions, and of such convenient Heights, and under such Regulations, as the said Company of Proprietors shall, from Time to Time, direct, so that the true Weight of the Lading on Board may at all Times be thereby ascertained and shewn; and shall permit and suffer every such Boat, Barge, or other Vessel, to be gauged, weighed, or measured, at the Expence of the said Company of Proprietors, whenever it shall be required by them, or any Person or Persons appointed for that Purpose, provided no such Vessel shall be gauged or measured more than Three Times in One Year; and every Owner, Master, or other Person having the Rule or Command of any Boat, Barge, or other Vessel, who shall navigate the same upon the said Navigation, Canal, or Collateral Cut, without having such Name, Figures, and Index thereon, as are herein-before directed, or shall alter, erase, deface, or destroy the same, or any

Part

Part thereof, or shall for any false Name, Figures, or Index, or shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Boat Owners to be accountable for Damages done by the Boatmen.

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

Masters to recover from their Servants any Sums paid for their Defaults.

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

Places to be made for Boats to turn or lie in, or for other Boats to pass.

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

Vessels obstructing the Navigation to be removed, and Vessels sunk to be weighed up.

XCVIII. And be it further enacted, That if any Boat or other Vessel shall be placed, or shall lie abreast in any Part of the said Navigation, Canal, or Collateral Cut, or of any Trench, Sluice, or Passage belonging thereto, not being moored at both Ends, or if any Person or Persons navigating and having the Care of any Boat or other Vessel shall wilfully obstruct the said Navigation by Means of the misplacing or otherwise misconducting such Boat or other Vessel, and shall not immediately upon Request made moor the same at both Ends, or alter the Situation of such Boat or other Vessel, or otherwise stop or effectually secure the same, as the Case shall require, so as that the said Obstruction shall cease and be removed, every Person so offending shall, for every such Offence, forfeit a Sum not exceeding Ten Shillings, and also a Sum not exceeding Five Shillings for every Hour during which such Obstruction shall continue; and it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause any such Boat or other Vessel to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction in the Navigation, Canal, or Collateral Cut, and to seize and detain such Boat or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Unloading and Removal shall be paid; and if any Boat or other Vessel shall be sunk in any Part of the said Navigation, or in any Trench or Sluice as

aforesaid, and the Owner or Owners, or other Person or Persons having the Care of such Boat or other Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for the Agents or Servants of the said Company of Proprietors, or any of them, to cause such Boat or other Vessel to be weighed or drawn up, and to detain the same until Payment shall be made of all the Expences thereby necessarily incurred and occasioned.

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

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

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

C. And be it further enacted, That if any Person or Persons whomsoever shall wantonly or unnecessarily open, or cause to be opened, any Lock, Paddle, Valve, or Clough belonging to the said Navigation, or if any Person or Persons shall wilfully flush or draw off, or cause to be flushed or drawn off, the Water from any Part of the same, or shall leave any of the said Cloughs open and running after any Boat or other Vessel shall have passed any Lock belonging to the same, or shall draw, or cause to be drawn, any Paddle, Valve, or Clough, in any of the Lock Gates on the said Navigation, so as to mispend or waste the Water thereof, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, every Person offending in any of the Cases aforesaid shall forfeit and pay, for every such Offence, any Sum

Sum not exceeding Five Pounds, nor less than Twenty Shillings.

Penalty on destroying the Works.

CI. And be it further enacted, That 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 such Person, being lawfully convicted, shall be adjudged guilty of Felony, and every such Felon shall be subject to the like Pain and Penalty as in Cases of Felony, or in Mitigation of such Punishment the Court by and before whom such Person shall be convicted may award such Sentence as the Law directs in Cases of Petit Larceny; or otherwise every Person so offending, and being thereof lawfully convicted on the Oath of One credible Witness, before One or more of his Majesty's Justices of the Peace for the County or Place where such Offence shall be committed, shall forfeit any Sum not less than double the Value of the Damage proved upon Oath to be done, at the Discretion of such Justice or Justices, such Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, rendering the Overplus (if any) to such Offender, or such Offender shall and may be committed to the Common Gaol for the County or Place where such Offence shall happen, for any Time not exceeding Six Calendar Months, at the Discretion of the Justice or Justices before whom such Offender shall be convicted.

Regulations of Vessels passing the Locks.

CII. And be it further enacted, That no Boatman, or other Person navigating or having the Care of any Boat or other Vessel upon the said Navigation, Canal, or Collateral Cut, which shall pass through any Lock to be made thereon, shall suffer the Water to remain in the Lock longer than is necessary for his Boat or other Vessel to pass through the same; and also that every such Boatman, or other Person as aforesaid, in going down from the Head Level of the said Navigation, shall, previous to his bringing his Boat or Vessel into any Lock, shut the Lower Gates of such Lock before he shall draw the Cloughs of the Upper Gates thereof, and after he shall have brought his Boat or other Vessel into the said Lock, he shall then shut the Upper Gates before he shall draw the Cloughs of the Lower Gates thereof; and in going up the said Navigation towards such Head Level, such Boatman or other Person, so soon as he shall have passed with his Boat or other Vessel into the said Lock, shall shut the Upper Gates of the same before he shall

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

Lock Keepers not to give Preference.

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

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

CIV. Provided always, and be it further enacted, That every Boat or other Vessel (not being a Pleasure Boat) passing through any Lock or Locks on the said Navigation, Canal, or Collateral Cut, with a less Lading than Twenty Tons, at any Time or Times when there shall be Water sufficient to enable Boats or other Vessels to pass such Lock or Locks with a Lading or Burthen of Twenty Tons, shall pay to the said Company of Proprietors a Tonnage Rate for Twenty Tons

of Lading, in the same Manner as if such Boat or other Vessel had actually on Board Twenty Tons of Lading; but if at any Time there shall not be sufficient Water in such Lock or Locks to enable such Boats or other Vessels to pass through the same with Twenty Tons Weight of Lading, then, and in every such Case, it shall be lawful for all Boats, Barges, and other Vessels, to pass any such Lock or Locks, with any less Weight of Lading than Twenty Tons; and the Owner or other Person having the Rule or Command of such Boat, Barge, or other Vessel, shall not be compellable to pay a Lock due for any greater Weight of Lading than shall at such Time be actually on Board the same Boat or other Vessel, provided that such Lading shall not be less than the Water will enable such Boat or other Vessel to carry, any Thing in this Act to the contrary thereof in anywise notwithstanding.

CV. Provided also, That in all Cases where there shall be Occasion for Boats or other Vessels of not greater Width than half the Width of the Locks to be made by virtue of this Act, and having on Board not more than Twenty Tons of Lading, to pass any such Lock, the same shall be subject to the Payment of the like Rates as if such Boats or other Vessels had on Board Twenty Tons of Lading, unless Two of such Boats or other Vessels shall pass such Lock together.

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

CVI. And be it further enacted, That the said Navigation, Canal, or Collateral Cut, or any of the Works whatsoever to be made by virtue of this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commission of Sewers, or to any Law or Statute relating to Sewers whatsoever; and the said Company of Proprietors shall and may from Time to Time hereafter be rated and charged to all Parliamentary and Parochial Taxes, Rates, and Assessments, for or on Account of any Lands or Grounds to be purchased or taken, or of any Warehouses or other Buildings to be erected by them in pursuance of this Act, in the same Proportions as other Lands, Grounds, and Buildings, adjoining to, or lying near the same, are or shall be rated and charged.

Allowing Land Owners to carry Manure Toll-free.

CVII. And be it further enacted, That it shall be lawful for any Person or Persons owning or occupying any Lands or Grounds through which the said Navigation, Canal, or Collateral Cut, or any Works thereunto belonging, shall pass, to use any Boats or other Vessels for the Carriage or Conveyance of any Dung, Marle, Soil, or Compost, (Lime and Lime Stone excepted), upon the said

said Navigation, Canal, or Collateral Cut, to and from his, her, and their Lands or Grounds, through or by which the said Navigation, Canal, or Collateral Cut, shall so pass, for the Improvement thereof, without paying any Rate whatsoever to the said Company of Proprietors for the same, and for that Purpose shall have Liberty to make Use of the Towing Paths, Wharfs, and Quays belonging to the said Navigation, Canal, and Collateral Cut, so as that the publick Business of such Wharfs and Quays be not thereby impeded or obstructed, and so as that such Person or Persons do not suffer such Dung, Marle, Soil, or Compost, to lie upon such Wharfs and Quays longer than may be necessary for loading, unloading, and carrying the same to and from such his, her, or their Lands or Grounds, and do and shall make good any Damages that may be done to the Sides or Banks of the said Navigation, Canal, or Collateral Cut, by the loading, unloading, or discharging, any such Boats or other Vessels, which Damages (in case of any Difference respecting the same) shall be settled and ascertained by the said Commissioners, but no such Boats or other Vessels last-mentioned shall at any Time pass through any Lock without paying the Tonnage Rates to which other Boats or Vessels passing through the same would be liable by the Rules and Provisions herein-before contained and set forth.

For preserving Fisheries to the Lords of Manors, &c.

CVIII. Provided always nevertheless, and it is hereby enacted and declared, That the Lord or Lords, Owner or Owners, of all and every Manor or Manors, through or upon which the said intended Cuts, Canals, Water Levels, Reservoir or Reservoirs, shall be made, shall have and be entitled to the several and exclusive Right of Fishery of and in so much of the said Canals, Cuts, Trenches, Sluices, Reservoir or Reservoirs, as shall be made over, through, or upon 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 or upon which the said Cuts, Canals, Reservoir or Reservoirs, shall be made, except as herein-after mentioned respecting the Soar, shall also have and be entitled to the like, sole, several and exclusive Right of Fishery of and in so much of the said Cuts, Canals, Trenches, and Sluices, Reservoir or Reservoirs, as shall be made in, over, through or upon his, her, or their Lands or Grounds respectively; and also that the Right or Rights of any Lord or Lords of any Manor or Manors, of any Land Owner or Land Owners, or of any other Person or Persons, and of

each and every of them, of, in, or to the Fishery of the said River Soar, shall remain in the same Manner as before the passing of this Act, or would have done if this Act had not been made; and that the Right of Fishery in any Cuts which shall be made by virtue of this Act, in deviating from the Course of the said River Soar, shall be the Property of the respective Persons entitled to the Right of Fishery in the Parts of the said River between the Commencement and Termination of such Deviations respectively, according and in Proportion to their respective Rights of Fishery in the Parts of the said River between the Commencement and Termination of such Deviations respectively, so as in the Use and Exercise of such Rights of Fishery the said Navigable Cuts, Canals, Reservoir or Reservoirs, or River Navigation, Trenches, and Sluices, and the Towing Paths, Banks, or other Works or Conveniences, hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the same, and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, shall not be liable to any Penalty, Action, or Prosecution, for or by Reason of taking or destroying any Fish in the said Cuts, Canals, or River Navigation, Trenches, or Sluices, Reservoir or Reservoirs, which shall be taken, killed, or destroyed through or by Means of necessarily letting off the Water out of the said Cuts, Canals, River Navigation, Sluices, or Trenches, Reservoir or Reservoirs, on Account only of any Repairs of Works to be done in or about the same, any Thing herein contained to the contrary notwithstanding: Provided always, That nothing herein contained shall extend, or be construed to extend, to deprive the respective Owners of the Fisheries of the said River of Recompence and Indemnification for any Detriment they may receive with respect to their Rights of Fishery from the Water not being drained and exhausted as heretofore at the Times they fish with Nets, or from any other Cause or Causes proceeding from the making, maintaining, or using the said Navigation, but the Damages they may sustain, and the Satisfaction and Recompence in respect thereof, shall be settled and determined by the Ways and Means herein prescribed with respect to other Damages done by the making and compleating of the said Navigation; and that the said Company of Proprietors, or their Agents, when they shall drain or exhaust the Water of the said River Soar, or any of the Deviations by the Sides thereof, in order to repair the said Navigation,

or the Works belonging thereto, or for any other Purpose, shall, before they shall so drain or exhaust the same, (except in Cases of sudden Necessity), give Three Days Notice in Writing, under the Hand of the Clerk, or One of the Clerks of the said Company of Proprietors, to the Owner or Owners of the Fishery of the Part of the said River Soar, or the Deviations by the Sides thereof, the Water whereof is so intended to be drained or exhausted as aforesaid, or to his or their Lessee or Lessees, Tenant or Tenants thereof, or to his, their, some or One of their known Agent or Agents, of such Intention to drain or exhaust the said Water.

Power for Land Owners to use Pleasure Boats.

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

CX. And be it further enacted, That as soon as conveniently may be after the said Navigation, Canal, and Collateral Cut shall be completed, the said Company of Proprietors shall cause the same to be measured, and Stones with proper Inscriptions to be erected, and for ever after maintained, on the Sides thereof respectively, at the Distance of a Quarter of a Mile from each other.

Mines reserved to Lords of Manors, or other Proprietors.

CXI. Provided always, and be it further enacted, That nothing herein contained shall extend to prejudice or affect the Right of any Lord or Lords, Lady or Ladies of any Manor or Manors, or of any Owner or Owners of any Lands or Grounds, in, upon, or through which the said Navigation, Canal, or Collateral Cut, or any Part thereof, or any Towing Paths, Wharfs, Quays, Reservoirs, Trenches, Sluices, Passages, Watercourses, or other Conveniences aforesaid, shall be made, to the Mines and Minerals, lying and being within or under the said Lands or Grounds, but all such Mines and Minerals are hereby reserved to such Lord or Lords, Lady or Ladies of such Manor or Manors, and to such Owner or Owners of such Lands or Grounds respectively, and it shall be lawful for

for the Lord or Lords, Lady or Ladies, of such Manor or Manors, and for such Owner or Owners of such Lands or Grounds respectively, to work, get, drain, take, and carry away, to his, her, or their own Use, such Mines and Minerals, not thereby injuring, prejudicing, or obstructing the said Navigation, Canal, or Collateral Cut, or any of the Works or Conveniencies aforesaid.

Power to make Rollers or inclined Planes, &c.

CXII. Provided always, and be it further enacted, That if the said Company of Proprietors shall think it necessary or expedient that Boats, Barges, or other Vessels, Waggons or other Carriages, or any Minerals, Goods, Wares, or other Matters and Things, should be conveyed over or along any Part or Parts of the intended Track or Line of the said Navigation, Canal, or Collateral Cut, by Rollers, inclined Planes, Railways, Waggon Ways, or Cranes, or in any other Manner than by and upon Water, it shall be lawful for the said Company of Proprietors, or their Committee, to cause any such Rollers or other Works before mentioned to be made for such Purpose or Purposes, at such Place or Places, in, upon, or near to the said Navigation, as they shall think proper, and the same, when so made, shall be taken and considered as Part or Parts of the said Undertaking, in like Manner as if such Place or Places had been made navigable, any Thing herein contained to the contrary thereof in anywise notwithstanding.

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

CXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors to make any navigable Branch or Branches from the said Navigation, Canal, or Collateral Cut, in, through, or over any Common or Waste Lands, with the Consent, under the Hands and Seals, of the Lord or Lady of the Manor, and also in, over, or through any other Lands or Grounds, with such Consent of the Owners thereof, or the Guardians, Trustees, or Committees of any such Owners, who may be under any Disability or Incapacity of acting for themselves, to communicate with any Mine, Quarry, Bed, or Pit of Stone, Limestone, or other Minerals, being within the Distance of Five Miles from any Part of the said Navigation, Canal, or Collateral Cut, and such Branch or Branches, when made and completed, shall be deemed and taken as a Part or Parts of the Navigation to be made by virtue of this Act, for and in respect of the Payment of Rates thereon, and for every other Use and Purpose of this Act; but if the Lord or Lady of any such Manor, or any such Owner or Owners of Lands, shall be desirous to make such Navigable Communication at his, her, or their own Expence, they,

and each or any of them, is and are hereby authorized and impowered so to do, and such Lord or Lady, Owner or Owners, shall, in making such Communications, have the Benefit of, and be invested with, all the Powers and Privileges given or granted to the said Company of Proprietors in and by this Act, as far as the same can be made applicable thereto; provided that Notice in Writing of such Intention be given to the said Company of Proprietors, or to their General Committee, or their Clerk or Clerks, before they the said Company shall have begun to make the same, and that such Communication shall be proceeded in with all due and reasonable Speed after such Notice given, and that the same shall lie under and be subject to all the Rules, Orders, and Restrictions of this Act, as far as the same can be made applicable thereto; and also provided that all such Communications shall be so made and effected without taking away, diverting, or lessening, (unless with the Consent of the said Company of Proprietors), any Streams, Brooks, or other Waters which are necessary for the Supply of the said Navigation, Canal, or Collateral Cut, and without any other Damage or Injury thereto whatsoever.

Guaranteeing to Lord *Harborough* and others the Rents and Profits of certain Tolls and Stall Rents, and of a certain Weighing Machine in the Manors of *Market Harborough* and *Great Bowden*.

CXIV. And whereas the Right Honourable Robert Earl of Harborough, as Lord of the Manors of Market Harborough and Great Bowden aforesaid, or One of them, is entitled to certain Tolls and Stall Rents arising within the said Manors, or One of them, of the Gross Annual Value of One hundred Pounds: And whereas there is a Weighing Machine in or near the said Town of Market Harborough, belonging to the said Earl of Harborough and others, which for a long Term of Years past has been of great publick Use in the weighing of divers Commodities brought by Land Carriage for Sale at Market Harborough, and particularly Coals, Hay, Straw, and Manure, the Income or Profits of which Weighing Machine have amounted on an Average to the Sum of Twenty Pounds per Annum: And whereas the said Navigation intended to be made in pursuance and by virtue of this Act may occasion a Diminution in the Tolls and Rents aforesaid, and in the Income or Profits arising from the said Weighing Machine as aforesaid: And whereas the said Company of Proprietors have agreed to make full Compensation for any Diminution which shall be occasioned by the said intended Navigation, in the said present yearly Gross Income arising from the said Tolls and Stall Rents, and in the Income and Profits of the said Weighing Machine as aforesaid; be it therefore enacted, That in case it shall at any Time or Times, from

from and after the making and completing the said Navigation, intended to be made by virtue and in pursuance of this Act, happen in any Year that the Gross Annual Income arising from the said Tolls and Stall Rents, within the said Manors of Market Harborough and Great Bowden, or either of them, payable to the said Robert Earl of Harborough, his Heirs, Executors, Administrators, and Assigns, shall not amount to the Sum of One hundred Pounds, or that the Net Income or Profits of the said Weighing Machine shall not amount in any Year to the said Sum of Twenty Pounds, in consequence of the Operation of this Act, then, and in every such Case, the said Company of Proprietors shall, and they are hereby directed and required, out of the Rates granted by this Act, to make up and pay to the said Robert Earl of Harborough, his Heirs, Executors, Administrators, or Assigns, and to the said Earl, and the said other Persons interested in the said Weighing Machine, their Executors, Administrators, or Assigns, such Deficiency respectively, and continue so to do from Time to Time, as often as any such Deficiency respectively shall happen in consequence of the Operation of this Act, and which said respective Deficiencies shall and are hereby required to be paid at the Time, in the Manner, and on the Condition herein-after mentioned; and the said Robert Earl of Harborough, and the said other Persons, his and their Executors, Administrators, and Assigns, in order to entitle himself and themselves to be paid for any such Deficiencies in the said Gross Annual Income, or Net Income or Profits respectively, in consequence of the Operation of this Act, is and are hereby directed and required, by himself or themselves, or some Agents or Agent on his or their Behalf, to claim and demand the said Deficiencies respectively of and from the said Company of Proprietors within Three Calendar Months next after the Twenty-fifth Day of March, in the Year or Years in which such Deficiencies respectively shall happen; and the said Robert Earl of Harborough, and the said other Persons, his or their Heirs, Executors, Administrators, or Assigns, shall, within the Space of One Month next after such Demand or Claim so made as aforesaid, prove every such Deficiency to the said Company of Proprietors to be fair and just, by the Production of the Books of the said Robert Earl of Harborough and the said other Persons, his and their Heirs, Executors, Administrators, or Assigns, or his or their Agent or Agents, Clerk or Clerks, and the Entries therein, to the said Company of Proprietors, for their Inspection, with Liberty for them or their Agents to take

take Extracts therefrom, if they shall think proper, without Fee or Reward, and, if required by the said Company of Proprietors, to verify the Truth and Accuracy of the Accounts and Entries in the said Books, and that the Deficiency or Deficiencies so claimed from Time to Time is really and truly the exact Deficiency or Deficiencies, by the Oath or Oaths of the Agent or Agents, Clerk or Clerks, or such other Person or Persons who shall from Time to Time have kept the said Books, and made such Entries therein, and made out the Account or Accounts of such Deficiency or Deficiencies, which Oath any One of the said Commissioners, or any Justice of the Peace, is hereby authorized to administer; and in case the said Company of Proprietors shall refuse or neglect, for the Space of One Month next after such Proof on Oath shall be made to them as aforesaid, to make up and pay such Deficiency or Deficiencies to the said Robert Earl of Harborough, and the said other Persons, his and their Heirs, Executors, Administrators, and Assigns, and shall also neglect to refer such Claim of Deficiency or Deficiencies to the Determination of Arbitrators, according to the Proviso herein-after for that Purpose contained, then, and in every such Case, the said Commissioners, or any Five or more of them, are hereby directed and required, by an Order under their Hands and Seals, to appoint One or more Person or Persons, being possessed of Real Estate of the Value of Fifty Pounds per Annum, or of Personal Estate of the Value of One thousand Pounds, to receive the Rates and Duties made payable to the said Company of Proprietors by virtue of and under this Act, until such Person or Persons shall have received sufficient from Time to Time to answer and satisfy the Deficiency or Deficiencies in the said Annual Income or Profits of the Tolls and Stall Rents, and Weighing Machine aforesaid, which shall have then really happened, and be remaining unpaid or unsatisfied as aforesaid, together with such Expences, Costs, and Charges, as shall be occasioned by such necessary Appointment of a Receiver or Receivers as aforesaid, or the receiving or obtaining Payment of such Rates or Duties, and which Rates or Duties, so to be received under the said Appointment, are hereby directed and required to be appropriated from Time to Time, as the same shall be received, in making good, paying, and satisfying such Deficiency or Deficiencies, and of such Costs, Charges, and Expences attending such Appointment, and the receiving and obtaining Payment of such Rates or Duties as aforesaid, which Costs and Charges, or Expences,

shall and are hereby required to be settled and regulated by the said Commissioners, or any Five or more of them; and if there shall be any Surplus of the Money which shall from Time to Time be received by the Person or Persons so to be appointed Receiver or Receivers by any Five or more of the said Commissioners as aforesaid, after answering and satisfying the said Deficiency or Deficiencies as aforesaid; and the said Costs, Charges, and Expences attending the said Appointment, and the receiving and obtaining Payment of the said Rents and Duties as aforesaid, then it is hereby directed and required that such Surplus Money shall from Time to Time be accounted for, and immediately repaid to the said Company of Proprietors; and it is hereby declared, that the Power and Authority of such Receiver or Receivers shall cease and determine from Time to Time when and so soon as a sufficient Sum shall be received to answer and pay the said Deficiency or Deficiencies in the said Annual Income and Profits of the said Tolls and Stall Rents, and the said Costs, Charges, and Expences, attending the said Appointment of such Receiver or Receivers, and the receiving or obtaining Payment of the said Rates and Duties as aforesaid.

For settling Disputes between the Proprietors and the Earl of *Harborough*, by Arbitration.

CXV. Provided always, and be it further enacted, That if after any such Demand or Claim as aforesaid shall be made by the said Robert Earl of Harborough, and the said other Persons, his and their Heirs, Executors, Administrators, or Assigns, for or in respect of any Deficiency or Deficiencies in his or their Gross Annual Income or Profits respectively as aforesaid, and after they shall have endeavoured, by the Production of the Books of Account respecting the said Tolls, and Stall Rents, and Weighing Machine, and by the Oath or Oaths of the Agent or Agents, Clerk or Clerks, or such other Person or Persons as shall from Time to Time have kept the same as aforesaid, to prove to the said Company of Proprietors that his or their Claim or Demand from Time to Time, in respect of such Deficiency or Deficiencies respectively, is fair and just, and the said Company of Proprietors should not be satisfied that such Deficiency or Deficiencies in the Income or Profits of the said Tolls, and Stall Rents, and Weighing Machine respectively, so claimed, has fairly and truly arisen by reason or in consequence of the Operation of this Act, or in case any other Dispute or Doubt shall happen or arise between the said Company of Proprietors and the said Robert Earl of Harborough, and the said other Persons,

Persons, his and their Heirs, Executors, Administrators, or Assigns, respecting his or their Claims or Demands respectively, then, and in every such Case, every such Matter in Difference, Dispute, or Doubt, shall be referred; and the said Company of Proprietors, and the said Robert Earl of Harborough, and the said other Persons, his and their Heirs, Executors, Administrators, and Assigns respectively, are hereby required to refer the same from Time to Time to Two Arbitrators, to be settled, ascertained, and decided; and the said Company of Proprietors are hereby impowered and directed in every such Case to appoint One Arbitrator on their Behalf under their Common Seal, and the said Robert Earl of Harborough, and the said other Persons, his and their Heirs, Executors, Administrators, or Assigns, is and are hereby impowered and directed in every such Case respectively to appoint the other Arbitrator on his and their Behalf, by Writing under his or their Hand and Seal or Hands and Seals, and to enter into Bonds respectively, in a sufficient Penalty each to the other, to abide by such Reference and Determination; which Determination is hereby required to be made within the Time or Space of Four Calendar Months from and after the Date and Execution of the said Bonds of Arbitration; and in case such Arbitrators shall not agree in the Decision or Determination of the Matters or Matter to them referred as aforesaid, then such Arbitrators are to be at Liberty, and are hereby impowered, directed, and required, from Time to Time, as Occasion shall require, within the said Space or Time of Four Calendar Months, by Writing under their respective Hands and Seals, to nominate and appoint a Third Person as an Umpire to determine the Matters aforesaid, such Umpirage to be made within Two Calendar Months after such Umpire shall be appointed as aforesaid; which Determination of the said Arbitrators or Umpire shall be final, conclusive, and binding on the said Company of Proprietors and the said Robert Earl of Harborough, and the said other Persons, his and their Heirs, Executors, Administrators, and Assigns respectively, and each and every of them, and they, and each and every of them, are hereby required to abide by and perform the Terms of the Award, Order, Arbitrament, or Umpirage of the said Arbitrators or Umpire; and it shall and may be lawful for the said Arbitrators or the said Umpire to inspect the Books and Papers of the said Robert Earl of Harborough, and the said other Persons, his and their Heirs, Executors, Administra-

tors, and Assigns respectively, relating to the Subject before them, and to examine upon Oath any of his or their Agents, Officers, or Servants, touching any Matters in Dispute (which Oath any One of such Arbitrators or Umpire is hereby authorized to administer); and in case either of the said Company of Proprietors, or the said Robert Earl of Harborough and the said other Persons, his and their Heirs, Executors, Administrators, or Assigns respectively, shall refuse or neglect to pay any Sum or Sums which by the Award, Order, Arbitrament, or Umpirage of the said Arbitrators or Umpire shall be ordered to be paid by either of the said Parties to the other upon Demand, then the said Company of Proprietors, or the said Robert Earl of Harborough and the said other Persons, his and their Heirs, Executors, Administrators, or Assigns, who shall be entitled to such Sum or Sums of Money, shall be at Liberty to sue for and recover the same by Action or Actions of Debt in any or either of His Majesty's Courts of Law at Westminster, with Costs of Suit.

If not done by Arbitrators within a certain Time, the Commissioners to do it.

CXVI. And be it further enacted and declared, That if the said Company of Proprietors shall neglect or refuse to appoint an Arbitrator for the Space of One Month next after Proof of a Deficiency shall be made to them by the said Robert Earl of Harborough, and the said other Persons, his and their Heirs, Executors, Administrators, or Assigns respectively as aforesaid, or if the said Arbitrator so to be appointed by them as aforesaid shall refuse or neglect to act in the Premises, so that the Deficiency which shall be claimed and demanded by the said Robert Earl of Harborough, and the said other Persons, his and their Heirs, Executors, Administrators or Assigns, in respect of the said present gross yearly Income or Profits of the said Tolls and Stall Rents, and of the said Weighing Machine respectively, by reason or in consequence of the Operation of this Act, shall not be ascertained as aforesaid, within the Space of Six Calendar Months, then the Deficiency or Deficiencies respectively shall be settled and ascertained by the said Commissioners, or any Five or more of them, at some Meeting to be held for that Purpose, such Commissioners to be in such Case nominated and appointed by the said Robert Earl of Harborough, and the said other Persons, his and their Heirs, Executors, Administrators, or Assigns, and in order thereto the said Commissioners, or any Five or more of them, so appointed as aforesaid, may and are hereby authorized and impowered, if they shall think fit, to examine upon Oath any of the Agents,

Officers, or Servants of the said Robert Earl of Harborough, and the said other Persons, his and their Heirs, Executors, Administrators, or Assigns, touching the Matters in Dispute (which Oath any One of the said Commissioners is hereby authorized to administer); and it is hereby provided and declared that the said Company of Proprietors shall not be answerable for any Diminution of the Tolls and Stall Rents, or of the Income or net Profits of the Weighing Machine aforesaid, payable to the said Robert Earl of Harborough, and the said other Persons, his and their Heirs, Executors, Administrators and Assigns, which may be occasioned by any other Cause or Causes, or Means, than by or in Consequence of the Operation of this Act.

Guarantee of the Income of the Living of *Langton*.

CXVII. And whereas, by an Act of Parliament passed in the Thirty-first Year of His present Majesty's Reign, intituled, An Act for dividing and inclosing the Common and Open Fields, Common Meadows, Common Pastures, Lot Grounds, and other Commonable Lands and Grounds, in the Parish, Townships, or Hamlets, of *West Langton*, *East Langton*, *Thorpe Langton*, and *Tur Langton*, in the County of *Leicester*, an Annual Sum of Six hundred Pounds, subject to such Deduction as in the said Act is mentioned, was thereby provided for, and made payable to the Rector of Church Langton for the Time being for ever, variable, as in the said last-mentioned Act mentioned, every Seven Years from the Expiration of the first Seven Years after the Execution of the Award of Allotment in the same Act mentioned, according to the Average Price of a Winchester Bushel of Wheat in the County of Leicester aforesaid for the Seven Years immediately preceding, in Lieu and Recompence of Tithes in that Act mentioned: And whereas it being apprehended that in Consequence of the Navigation by this Act intended to be made the Price of Wheat in the said County of Leicester will from the Time of the Completion of the said Navigation be reduced, the said Company of Proprietors have agreed to make Compensation to the Rector of the said Rectory for the Time being for ever, in Manner herein-after mentioned, for all such further Diminution or Reduction of the said yearly Sum of Six hundred Pounds (if any) as from Time to Time shall arise, or be adjudged, as herein-after mentioned, to arise, by or in consequence of the said intended Navigation, or the Operation of this Act: Be it therefore enacted, That in case it shall at any Time or Times, from and after the making and completing the said intended Navigation, happen that the said Annual Sum,

payable as aforesaid to the Rector of the said Rectory in lieu of Tithes, shall fall short or be deficient of the Sum of Six hundred Pounds now payable to him under or by virtue of the said Inclosure Act, then, and in every such Case, the said Company of Proprietors shall, and they are hereby directed and required, out of the Rates granted by this Act, to make up and pay to the Rector of the said Rectory for the Time being the Whole of such Deficiency, or such Part or so much thereof as the Referrees to be appointed under the Directions of the said Inclosure Act for ascertaining the Price of Corn shall adjudge and determine to arise or be occasioned by means or in Consequence of the said intended Navigation, or the Operation of this Act, and which Deficiency, or such Part or so much thereof as aforesaid, shall, and is hereby required to be paid at the Time and in the Manner herein-after mentioned; and the Rector of the said Rectory, in order to entitle himself to be paid for any such Deficiency, or for such Part thereof as aforesaid, is hereby directed and required, by some Agent or Agents on his Behalf, to claim and demand the said Deficiency, or such Part or Parts thereof, of and from the said Company of Proprietors, or their Clerk, within Three Calendar Months next after the First Monday of November in the Year or Years in which such Deficiency shall happen, the Amount of which Deficiency, if not paid in Thirty Days after the last Day in the Year in which it shall become due as aforesaid, shall and may be recovered from the said Company by the Rector of the said Rectory for the Time being, by Action of Debt, in any of his Majesty's Courts of Record at Westminster, with Treble Costs of Suit.

Lands not used within a certain Time, to be re-conveyed.

CXVIII. And be it further enacted, That if the said Company of Proprietors shall be in Possession of any Lands or Grounds by virtue of this Act for the Space of Ten Years without using the same, or if the said Navigation shall be made and completed, and afterwards discontinued or disused, for the Space of Five Years, then, and in either of the said Cases, the said Company of Proprietors shall convey all their Right, Property, and Interest in or to such Lands or Grounds respectively unto the several and respective Persons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, who were the Owners or Proprietors thereof immediately before the said Company of Proprietors became seised of the same, in case they, or any of them, shall think fit to become Purchasers thereof, and to pay such valuable Consideration for the said Lands and Grounds to the said Company of Proprietors as the said Commissioners, or

any Five or more of them, shall adjudge reasonable; and in case any Difference shall happen in ascertaining thereof by the said Commissioners, then as any Jury to be impannelled in the Manner herein-before directed shall ascertain or award to be paid for the same, provided that such Consideration so ascertained by such Commissioners, or to be awarded by such Jury, so to be impannelled as aforesaid, shall not exceed the Sum or Sums of Money first paid by the said Company of Proprietors for the Purchase of such Lands or Grounds; and in case the said Company, upon the Payment or Tender of such valuable Considerations as aforesaid for such Lands or Grounds, shall refuse or neglect to convey the same as aforesaid, then, and in such Case, such Lands or Grounds, upon Tender of such valuable Consideration as aforesaid to the said Company, shall revert to and be thenceforth vested in the said several Person or Persons, Bodies Politick, Corporate, or Collegiate, their Heirs, Successors, or Assigns; and in case an Annual Rent shall have been paid for the said Lands or Grounds, to be taken in Manner aforesaid for the Use of the said Navigation, then such Rents shall cease and determine, and such Sum or Sums of Money shall be paid for Damages done to the said Lands or Grounds, by the said Company of Proprietors, to the Person or Persons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, to whom such Lands or Grounds shall be reconveyed or revert as aforesaid, as the said Commissioners or Jury respectively shall ascertain or award, such Sum or Sums of Money, in Default of Payment at the Time to be fixed by such Commissioners or Jury respectively, to be levied and recovered in such Manner as other Damages are to be levied and recovered by virtue of this Act.

Subscribers compelled to pay their Subscriptions.

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

be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

Allowing Communication of a Canal from *Uppingham.*

CXX. And whereas Application is intended to be made to Parliament at some future Period for an Act to make a Navigable Canal from the Town of Uppingham, in the County of Rutland, to communicate with the said Navigation hereby authorized to be made; be it therefore further enacted, That in case any such Act shall at any Time be obtained it shall be lawful for the said Canal from Uppingham to be cut into and made to communicate with the said Navigation, without any Let, Hindrance, Obstruction, or Molestation from the said Company of Proprietors, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Proprietors may make future Applications to Parliament to open other Communications.

CXXI. And whereas the major Part of the Proprietors of the said Navigation may hereafter judge it expedient to make Application to Parliament for Power to make other navigable Communications with the said intended Navigation than such as are authorized by this Act; but, by Reason of Infancy, or otherwise, may not be able to obtain the Consent and Concurrence of all the Proprietors; be it therefore enacted, That in case the Persons entitled to the greater Number of the Shares in the said Navigation shall, at any General Assembly of the said Company of Proprietors, think it proper to make any such Application to Parliament as aforesaid, it shall be lawful for them to order and cause the Common Seal of the said Company of Proprietors to be affixed to any Petition for that Purpose, and such Application to be proceeded in and prosecuted, and any Money arising by virtue of this Act to be applied in defraying the Expences incurred by or in consequence of any such Application, and the same shall be deemed to be the Act of the Whole of the said Company of Proprietors, in like Manner, and as fully and effectually, as if every One of the said Proprietors had been capable of acting for himself, and had attended such General Assembly, and concurred therein; and it shall be lawful for the Guardians, Trustees, or Committees of the Proprietors of any such Shares, being Minors, Lunaticks, or under any other Disability or Incapacity of acting for themselves, and the Executors or Administrators of any deceased Proprietors of such Shares, to apply any of the Money which shall come to their Hands as Guardians, Trustees, Committees, Executors, or Administrators, as aforesaid, towards defraying the proportionable Shares of the Expences incurred by and in Consequence of any such Application, which shall be payable by the Persons on whose Behalf they act, or

to

to raiſe Money for that Purpoſe by Mortgage of any ſuch Shares, which Mortgages they are hereby authorized to make by Writing under their Hands and Seals, and the ſame ſhall be valid and effectual.

Recovery and Application of Fines and Forfeitures.

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

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

CXXIII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor ſhall the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceeding relating thereto; nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers ab initio, on Account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity

shall and may recover full Satisfaction for the special Damage, in an Action upon the Case.

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

Form of Conviction.

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

Given under my Hand and Seal, the Day and Year first above mentioned.

Persons aggrieved may appeal to the Quarter Sessions.

CXXV. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by any Order, Judgement, or Determination of any Justice or Justices of the Peace, may, within Six Calendar Months after such Order, Judgement, or Determination shall have been made, (first giving Ten Days Notice of such Complaint to the Person or Persons against whom such Complaint is intended to be made), complain to the Justices of the Peace at the General Quarter Sessions to be held in and for the County in which the Cause of Appeal shall arise, which Justices shall, in a summary Way, either hear and determine the said Complaint at such General Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Sessions of the Peace to be held for such County; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order such further Satisfaction to be made to the Party injured as they shall judge reasonable; but no Proceedings to be had and taken in pursuance of this Act, shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

CXXVI. And

CXXVI. And be it further enacted, That if any Action or Suit shall be brought or commenced against any Person or Persons for any Thing done in pursuance of this Act, every such Action or Suit shall be brought or commenced within Six Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in Dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act: And if it shall appear to have been so done, or if any such Action or Suit shall be brought after the Time so limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then, and in every such Case, the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action or Suit, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon demurring or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Law. Limitation of Actions. General Issue. Treble Costs.

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

FINIS.