ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. CIII.

An Act for amending and altering certain Acts of Parliament, for making and maintaining a Navigable Canal, from the *Coventry* Canal Navigation, to the City of *Oxford*. [23d *May* 1794.]

WHEREAS an Act of Parliament was made in the Ninth Year of the Reign of His preſent Majeſty, intituled *An Act for making and maintaining a Navigable Canal, from the Co-ventry Canal Navigation, to the City of* Oxford, and Two ſeveral Acts of Parliament were made in the Fifteenth and Twenty-ſixth Years of the Reign of His preſent Majeſty, for enabling the Company of Proprietors, incorporated by the firſt-mentioned Act, to borrow the ſeveral Sums of Money therein reſpectively mentioned, in order to finiſh the ſaid Canal, and for other Purpoſes therein expreſſed: And whereas the ſaid Canal hath been completed and finiſhed, but the ſaid Acts are in ſome Reſpects found defective and inſufficient for the Purpoſe of maintaining the ſame: 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 every Perſon ſeiſed or entitled in his own Right, or in the Right of his Wife, (and not as Mortgagee or Mortgagees), of an Eſtate of Freehold or Copyhold in Lands, Tenements, or Hereditaments, ſituate within the Counties of *Warwick*, *Oxford*, and *Northampton*, or any of them, of the clear Yearly

Preamble recites Acts 9, 15, and 25 *Geo.* III.

Former Acts deficient.

Qualification of Commiſſioners.

Value of One hundred Pounds, or ſhall be poſſeſſed of a Perſonal Eſtate to the Amount of Three thouſand Pounds over and above what is ſufficient to pay all his juſt Debts, and every Perſon being the eldeſt Son or Heir Apparent of a Peer of the Realm, or of a Perſon qualified to be elected to ſerve in Parliament as a Knight of a Shire, within that Part of *Great Britain* called *England*, ſhall be added to and joined with the Commiſſioners, appointed in or by virtue of the ſaid Act of the Ninth Year of the Reign of His preſent Majeſty, for putting the ſaid recited Acts, and this Act, in Execution, and ſhall have the like Powers and Authorities for that Purpoſe, as if they had been appointed Commiſſioners in or by virtue of the ſaid Act.

Commiſſioners not to act where intereſted.

II. Provided always, and be it further enacted, That no Perſon ſhall act as a Commiſſioner in the Execution of the Powers by the before-mentioned Acts, or this Act given, in any Caſe where he ſhall be any way intereſted or concerned in the Matter in Queſtion, or ſhall be a Proprietor of the ſaid *Oxford* Canal Navigation, nor ſhall any Perſon (except ſuch as have taken the Oath preſcribed by the ſaid firſt-mentioned Act to be taken by the Commiſſioners) be capable of acting as a Commiſſioner as aforeſaid, until he ſhall have taken and ſubſcribed the Oath following, before any Five or more of the ſaid Commiſſioners, who are hereby authorized and required to adminiſter the ſame; *(videlicet)*,

'I, *A. B.* do ſwear, That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the beſt of my Skill and Judgement, execute and perform the Powers and Authorities veſted in me as a Commiſſioner, by the ſeveral Acts of Parliament made and now in Force, for making and maintaining a Navigable Canal, from the *Coventry* Canal Navigation to the City of *Oxford*.'

And if any Perſon (not having already qualified as aforeſaid) ſhall preſume to act as a Commiſſioner in the Execution of the before-mentioned Acts, and this Act, not being qualified as herein-before mentioned at the Time of his acting, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of One hundred Pounds, to be recovered, with full Coſts of Suit, by an Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*; and ſuch Perſon ſo ſued ſhall prove that he is ſo qualified, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Plaintiffs, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of the ſaid recited Acts, or ſome of them.

Commiſſioners may act as Juſtices.

III. And be it further enacted, That any of the ſaid Commiſſioners, who ſhall be in the Commiſſion of the Peace for the Counties of *Warwick*, *Oxford*, or *Northampton*, ſhall and may nevertheleſs act as Juſtices of the Peace in the Execution of the ſaid recited Acts, and this Act; but that no Perſon who ſhall have or accept any Place of Profit ariſing out of the Rates payable to the Company of Proprietors of the ſaid *Oxford* Canal Navigation, or ſhall be a Proprietor of any Share or Shares of the ſaid *Oxford* Canal Navigation, ſhall be capable of acting as a Juſtice of the Peace as aforeſaid, ſo long as he ſhall hold or be intereſted in ſuch Place of Profit, Share or Shares as aforeſaid.

IV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors from Time to Time, at any General Aſſembly, (with the Conſent of the major Part of the ſaid Commiſſioners preſent at any General Meeting of the ſaid Commiſſioners), 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 *Oxford* Canal; and the ſaid Company of Proprietors ſhall, from Time to Time, cauſe to be printed, and affixed upon every publick Wharf on the ſaid Canal, in ſome conſpicuous Place, a Liſt or Account, aſcertaining and particularizing the Prices or Sums of Money ſo to be charged or taken for the Carriage of ſuch Parcels as aforeſaid, upon the ſaid Canal; and in caſe the Owner or Maſter, or other Perſon having the Care of any Boat or other Veſſel navigating or paſſing upon the ſaid Canal, after ſuch printed Paper, ſo aſcertaining and particularizing the Price or Sum 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 Parcel, more than the Price or Sum of Money in ſuch Liſt or Account aſcertained and particularized for that Purpoſe, ſuch Owner, Maſter, or other Perſon, ſhall forfeit and pay any Sum not exceeding Five Pounds for every ſuch Offence.

Power to fix Freightage of Parcels of a certain Weight.

V. And be it further enacted, That in caſe the Owner or Owners of any Boat or other Veſſel employed on the ſaid *Oxford* Canal Navigation, ſhall, by virtue of the ſaid Acts, or any of them, 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, every ſuch Servant, Boatman, or Waterman, ſhall be liable to repay ſuch Penalty or Damages (with the Coſts thereof) to ſuch Owner or Owners; and in caſe of Non-payment upon Demand, and Oath being made by him or them of ſuch Penalty or Satisfaction for Damages having been paid, and that the ſame, and the Coſts thereof, hath or have not been repaid to him or them by any ſuch Servants, Boatmen, or Watermen, although demanded, (ſuch Oath to be made before any One Juſtice of the Peace for the County where ſuch Penalty or Satisfaction ſhall have been recovered), the Amount thereof ſhall be recovered in like Manner as any Penalty is by the ſaid recited Acts, or any of them, directed to be recovered.

Remedy of Maſters againſt their Servants who have incurred Penalties.

VI. And be it further enacted, That no Boat or other Veſſel ſhall be permitted to paſs any Lock upon the ſaid *Oxford* Canal Navigation, which ſhall not be marked, numbered, and indexed, according to the Directions of the ſaid Act of the Fifteenth Year of the Reign of His preſent Majeſty: Provided always, that nothing herein contained ſhall extend to take away or abridge the Power of levying the Penalty by the ſaid Act inflicted upon the Maſter or Owner of any Boat or Veſſel which ſhall not be marked, numbered, and indexed, according to the Directions thereof.

Hours of uſing Canal.

VII. And, for the better ſecuring and recovering the Tolls, Rates, and Duties by the ſaid Acts, or any of them, made payable to the ſaid Company of Proprietors; be it further enacted, That in caſe any of ſuch Tolls, Rates, or Duties, ſhall not be paid to the ſaid Company of Proprietors before, at the Time, or immediately after the Landing of any Coals,

Power to diſtrain Coals, &c. on Wharfs for the Rates.

Goods, Wares, or Merchandize, upon any Wharf, or other Place of and belonging to the ſaid Company of Proprietors, then it ſhall be lawful for the ſaid Company of Proprietors, or any Perſon or Perſons by them authorized and empowered, at any Time or Times within the Space of Forty Days next after ſuch landing, to ſeize and diſtrain all or any Part of ſuch Coals, Goods, Wares, and Merchandize, lying or being upon any ſuch Wharf, or other Place, in reſpect whereof any ſuch Tolls, Rates, or Duties ought to be paid, and to detain and ſell the ſame in like Manner, and as fully and effectually as they may or can ſeize, detain, and ſell any Boat, Veſſel, or Goods, for Payment of the Tolls, Rates, or Duties, by virtue of the before-mentioned Acts, or any of them.

Lock Keepers not to give undue Preference.

VIII. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant or Perſon belonging to or employed by the ſaid Company of Proprietors, ſhall give any undue Preference, or ſhew any Partiality to any Boat or other Veſſel in paſſing through any Lock upon the ſaid Navigation, or in loading or unloading any Goods or other Things at any of the Wharfs, Warehouſes, Weigh Beams, Cranes, or other Machines belonging to the ſaid Company of Proprietors, every Perſon ſo offending ſhall forfeit and pay the Sum of Twenty Shillings to the Informer, to be recovered in like Manner as any Penalty is by the ſaid Acts, or any of them, directed to be recovered.

Wills, Tranſfers, &c. to be entered.

IX. And whereas, by Reaſon of the frequent Tranſfer of the Right and Title to Shares in the ſaid *Oxford* Canal Navigation by the Marriage and Death of Proprietors, it hath been found difficult to aſcertain to whom the Dividends due upon ſuch Shares 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 *Oxford* Canal Navigation in Right of Marriage, ſhall be entitled to receive the ſame, an Affidavit, containing a Copy of the Regiſter of ſuch Marriage, ſhall be made and ſworn to by ſome credible Perſon before One of the Judges at *Weſtminſter*, a Maſter or Maſter Extraordinary in the Court of Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk to the ſaid Company of Proprietors, who ſhall file the ſame, and make an Entry thereof in the Book which ſhall be kept by him for the Entry of Transfers and Sales of Shares in the ſaid *Oxford* Canal Navigation; and that before any Perſon or Perſons, who ſhall claim any Part or Share of the Profits of the ſaid *Oxford* Canal Navigation by virtue of any Will, or in a Courſe of Adminiſtration, ſhall be entitled to receive the ſame, the Probate of ſuch Will ſhall be produced and ſhewn to the ſaid Clerk, or an Affidavit, containing a Copy of ſo much of ſuch Will as ſhall relate to the Share or Shares of the Teſtator, or the Letters of Adminiſtration (in caſe the Proprietor ſhall have died inteſtate) ſhall be made and ſworn to by an Executor of ſuch Will, or by an Adminiſtrator of the Eſtate and Effects (as the Caſe may be) before ſuch Judge, Maſter or Maſter Extraordinary, or Juſtice, who are hereby reſpectively empowered to ſwear the Deponent to the Truth of all ſuch Affidavits, and which ſhall alſo be tranſmitted to the ſaid Clerk, who ſhall file and enter the ſame in Manner herein-before mentioned; for the Entry of every ſuch Copy, Extract, or Regiſter of Marriage, or Will, or Adminiſtration, and alſo for the Entry of any Tranſfer of any Share or Shares, the Sum of Two Shillings and Sixpence, and

and no more, ſhall be paid to the ſaid Clerk for his Trouble therein, which ſaid Clerk ſhall alſo be paid Sixpence for each Two hundred Words, and ſo in Proportion for a leſs Number of Words, for the Copy of any Proceeding or other Thing which he is by any of the ſaid recited Acts, or this Act, directed or required to make; any Thing in the ſaid Acts, or any of them, to the contrary hereof notwithſtanding.

Limitation of Dividends on the Shares diſcontinued.

X. And whereas, by a Proviſo in the ſaid Act of the Twenty-ſixth Year of the Reign of His preſent Majeſty, the ſaid Company of Proprietors are reſtrained from making any greater Dividends of the Money ariſing by virtue of the ſaid Acts, amongſt the Proprietors of the ſaid *Oxford* Canal Navigation, than Four *per Centum per Annum* upon their reſpective Shares in the Capital Stock of the ſaid Company, until a certain Part of the Money borrowed upon the Credit of the ſaid *Oxford* Canal Navigation ſhould be paid off, or than Five *per Centum per Annum* upon ſuch Shares, until the Whole of the Money borrowed as aforeſaid ſhould be paid off: And whereas, ſince the paſſing of the ſaid laſt-mentioned Act, the Profits ariſing to the ſaid Company of Proprietors from the ſaid *Oxford* Canal Navigation having conſiderably increaſed, it is proper the ſaid Reſtrictions ſhould be diſcontinued; be it therefore further enacted, That the ſaid Proviſo ſhall be, and is hereby repealed: Provided nevertheleſs, that no Dividend ſhall in any Year be made upon any of the Shares in the ſaid *Oxford* Canal Navigation, until the Intereſt of all the Money borrowed, and which ſhall for the Time being be due and owing upon the Credit of the ſaid *Oxford* Canal Navigation, ſhall, up to the next preceding Half-yearly Day of Payment of Intereſt in that Year, have been fully paid and diſcharged.

No Dividend to be made till Intereſt paid.

Form of Conveyance preſcribed.

XI. And be it further enacted, That all Conveyances of any Lands or other Hereditaments to be made to the ſaid Company of Proprietors, under or by virtue of the ſaid Acts, or any of them, ſhall be made according to the following Form; *(videlicet)*,

'I *A. B.* of in Conſideration of the Sum of
'to me heretofore paid, (or in Conſideration of the Annual Rent of
'to me to be yielded and paid by Yearly [*or* Half
'Yearly] Payments, by the Company of Proprietors of the *Oxford* Canal),
'do hereby grant and releaſe to the ſaid Company, all [*here deſcribe the*
'*Property to be conveyed*] and all my Right, Title, and Intereſt, in and
'to the ſame, and every Part thereof, to hold to the ſaid Company for
'ever, by virtue and according to the true Intent and Meaning of the
'Acts of Parliament paſſed for making and maintaining the ſaid *Oxford*
'Canal. In Witneſs whereof I have hereunto ſet my Hand and Seal,
'the Day of

Which ſaid Conveyances ſhall be kept by the Clerk to the ſaid Company of Proprietors, who ſhall from Time to Time, when requeſted, deliver atteſted Copies thereof to any Perſon or Perſons requeſting the ſame; and every ſuch Conveyance ſhall be valid and effectual to veſt the Meſſuage, Lands, and Eſtates comprized therein, in the ſaid Company of Proprietors for ever, and they ſhall be deemed in Law to be in the actual Seiſin or Poſſeſſion thereof, to all Intents and Purpoſes whatſoever, as fully

fully and effectually as if every Perſon, having any Eſtate in the Premiſes, had actually conveyed the ſame to them by Leaſe and Releaſe, or any other legal Conveyance whatſoever; and the Payment of the Conſideration Money, after the ſame ſhall have been applied and diſpoſed of according to the Directions of the ſaid firſt-mentioned Act, ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to whoſe Uſe ſuch Payment was made or applied, but alſo ſhall extend to and be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail in Reverſion or Remainder, againſt the Iſſue of every ſuch Perſon, as effectually as a Fine or Recovery, or either of them would do, if levied or ſuffered by the proper Parties in due Form of Law, any Thing in the ſaid before-mentioned Acts, or any of them, or this Act, contained to the contrary notwithſtanding; and in caſe the ſaid Company of Proprietors have purchaſed any greater Quantity of Lands, or any Buildings which they ſhall not find neceſſary for the Purpoſes of the ſaid Navigation, it ſhall be lawful for the ſaid Company to ſell, and by Writing under their Common Seal to convey the ſame, or any Part thereof, in Fee Simple, to any Perſon or Perſons; and every ſuch Sale and Conveyance ſhall be valid and effectual, and the Money ariſing thereby ſhall be applied in like Manner as the ſaid Tolls or Duties are to be applied, and the Receipt of the Treaſurer to the ſaid Company of Proprietors for the Purchaſe Money, ſhall be a ſufficient Diſcharge to the Purchaſer or Purchaſers for the ſame.

Aſcertaining the Diſtance from the Canal within which Materials may be got.

XII. And whereas by the ſaid firſt-mentioned Act, the ſaid Company of Proprietors were empowered to dig, take, and carry away, Soil, Clay, Gravel, or Stone, for the Purpoſes of the ſaid Act, in or from any Grounds of any Perſon or Perſons adjoining or lying contiguous thereto, (other than ſuch as are therein particularly excepted), and Diſputes have ariſen between the Owners and Occupiers of Lands and the ſaid Company of Proprietors, touching the Diſtance from the Line of the ſaid Canal to which ſuch Right extends; for preventing ſuch Diſputes for the future, be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and their Servants, Agents, and Workmen, with Cattle and Carriages, to dig, take, and carry away, ſuch Soil, Clay, Gravel, or Stone as aforeſaid, for the Purpoſes of the ſaid Acts, in and from any Grounds of any Perſon or Perſons, whether the ſame ſhall be adjoining to the ſaid Canal or not, (the ſame not being the Scite of a Houſe, or a Garden, Yard, Park, Paddock, Walk, or Avenue to a Houſe, or Lawn incloſed, or adjoining to a Manſion Houſe), the Place from which any ſuch Soil, Clay, Gravel, or Stone, ſhall be taken, not being more than One thouſand Yards from the ſaid Canal; any Thing in the ſaid firſt-mentioned Act to the contrary notwithſtanding.

Publick Act.

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

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FINIS.