ANNO TRICESIMO QUARTO

# Georgii III. Regis.

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Utility: And whereas the ſeveral Perſons herein-after named are deſirous, at their own Expence, to make and maintain the ſaid Canal; but cannot effect the ſame without the Aid 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 *Charles Bowyer Adderley*, *John Anderton*, *Lawrence Archer*, Lord *Arden*, *Thomas Aſhford*, *Mathias Attwood*, *Thomas Aynſworth*, *William Bach*, *Nathan Sugar Baly*, *Samuel Baker*, *Samuel Bayliſs*, *William Bedford*, *James Bedford*, *William Bellamy*, *Joſeph Berwick*, *John Biddle*, *George Birch*, *William Birch*, *Thomas Le Blanc*, *Robert Blick*, *Benjamin Blyth*, *John Blundell*, *James Bough*, *Edward Bower*, the Principal and Scholars of *Brazen Noſe* College, in the Univerſity of *Oxford*, *John Bree*, *John Bree* M. D. *Robert Bree* M. D. *Robert Bree*, the Reverend *William Bree*, the Reverend *Nathaniel Bridges*, *William Bryan*, *Thomas Buffery*, *Sarah Bunny*, *Nathan Buſhell*, *Samuel Butler*, *James Butler*, Sir *Henry Gough Calthorpe* Baronet, *William Campion*, *Edward Carver*, *Thomas Caſh*, *George Cattell*, *Richard Cattell*, *Henry Chambers*, *William Cecil Chambers*, *Richard Chattock*, *Richard Chattock* junior, *Joſeph Clarke*, *John Clarke*, the Reverend *John Coates*, *William Collins*, *Thomas Collins*, *Thomas Collins*, *John Cooper*, *William Cope*, *Joſeph Cotterell*, *Joſeph Cotton*, *Henry Couchman*, *Dorothy Croft*, the Reverend *Charles Curtis*, the Reverend *William Daniel*, *Ann Davis*, *Francis Dawes*, *William Denſton*, *Benjamin Dickins*, *Ann Dolphin*, *Mary Eaſton*, *William Eaves*, the Reverend *Gilpin Ebdell*, *Joſeph Eberall*'s Repreſentatives, *William Eborall*, *John Edwards*, *William Evans*, *Edward Ferrers*, *Samuel Galton*, *Samuel Galton* junior, *Bernard Gery*, *John Gimblett*, Sir *Thomas Gooch*, *Richard Gough*, *Bertie Greatheed*, *Thomas Greenway*, *Jonathan Grundy*, *Thomas Grundy*, *William Grundy*, *Nicholas Grundy*, *James Galby*, the Reverend *William Hammerſley*, *George Hand*, *William Handley*, *Thomas Handley*, *Henry Harper*, *Thomas Harris*, *Edward Harris*, *Thomas Hawkes*, *Joſeph Hawtyn*, *John Hickling*, *William Hicks*, *Wenman Hicks*, *Samuel Hellyer*, *Hornblower*, *John Horton*, *John Houghton*, *John Hughes*, *William Hunt*, *Harry Hunt*, the Reverend *George Innes*, *Richard Spooner Jacques*, *John Jones*, *George Walker Jones*, *William Judd*, *John Kington*, *Robert Knight*, *John Wightwick Knightley*, *William Lambe*, *Walter Lander*, *Henry Greſwold*, *Lewis Sampſon Lloyd*, *Charles Lloyd*, *Nehemiah Lloyd*, *Charles Lloyd* junior, *John Lord*, *John Lowe*, *John Lucas*, *Thomas Malin*, *Robert Harvey Mallory*, *William Mallory*, *William Mansfield*, *Benjamin May*, *Joſeph May*, the Principal and Fellows of *Magdalen* College, in the Univerſity of *Oxford*, *Charles Mills*, *William Mills*, the Reverend *Francis Mills*, *James Moore*, *Henry Morriſs*, *Richard Moul*, *Margaret Nanfan*'s Repreſentatives, *Thomas Nott*, *Charles Porter Packwood*, *Thomas Palin*, *Joſeph Parker*, *William Parkes*, *John Parkes*, the Reverend *Samuel Parr*, *Sarah Parry*, *Thomas Pearſon*, *George Pearſon*, *Richard Peyton*, *Edward Phillips*, *William Pratt*, *William Pratt* junior, *alias* Judge, *Price Pritchard*, the Reverend *Thomas Price*, *Nicolls Raynsford*, *Theophilus Richards*, *Thomas Robinſon*, *J. B. Rolls*, the Reverend *Richard Rothwell*, *Thomas Ruſſell*, *Samuel Ruſſell*, *William Ruſſell*, *Benjamin Ruſſell*, *William Ruſſell*, *Joſeph Scott*, *William Simpſon*'s Repreſentatives, *William Smith*, *William Smith*, *William Lilley Smith*, *Lilley Smith*, *John Bohun Smith*, *Nicholas Sowley*, *John Sowley*, *Iſaac Spooner*, *John Standbridge*, *John Stanton*, *William Payton Summerfield*, *Joſeph Tart*, *John Tankard*, *John Taylor*, *Charles Taylor*,

Proprietors Names.

*Taylor*, *James Taylor's* Repreſentatives, *James Tompſon*, *Elizabeth Tibbatts*, *Robert Tibbins*, *William Tibbitts*, *John Tomes*, *Edward Tomes*, *Humphry Vaughton*, *James Villers*, *William Villers*, the Right Honourable *John Charles Villiers*, the Honourable *George Villiers*, *Charles Gregory Wade*, *Thomas Wallis*, *John Walſingham*, the Reverend *John Warden*, the Earl of *Warwick*, *Thomas Webb*, *Margaret Webb*, *Elias Webb*, *Phœbe Webſter*, the Reverend *Thomas Welch*, *Edward Welchman*, *Thomas Woods Weſton*, *William Weſton*, *William Whateley*, *John Whateley*, Sir *William Wheler* Baronet, *Francis Wheler*, *John Winterton*, *Nicholas White*, *John Whitehead*, *William Whitehead*, *Joſiah Widnell*, *Edmund Wigley*, *Henry Wigley*, the Reverend *Edward Willes*, *John Walker Wilſon*, *Henry Chriſtopher Wiſe*, *Matthew Wiſe*, *Matthew Blacket Wiſe*, *John Wood*, *Anthony Woodrouffe*, *Thomas Wootton*, the Reverend *Philip Wren*, *Henry Wright*, *Richard Wyatt*, and *James Wyatt*, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as ſhall be nominated and appointed by them, or the major Part of them, at any General Meeting to be held in purſuance of this Act, (ſuch major Part not having as Principals or Proxies leſs than One hundred and Thirty Shares), under their Hands and Seals, are and ſhall be united into a Company for the better carrying on, making, completing, and maintaining, the ſaid Navigable Canal paſſable for Boats, Barges, and other Veſſels, according to the Rules, Orders, and Directions herein-after expreſſed and laid down, and ſhall for that Purpoſe be One Body Politick and Corporate, by the Name of *The Company of Proprietors of the* Warwick *and* Braunſton *Canal Navigation*, and by that Name ſhall have perpetual Succeſſion, and ſhall have 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 and Hereditaments to them and their Succeſſors and Aſſigns, for the Uſe of the ſaid Navigation and Works hereby authorized to be made, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain, and alſo to ſell and convey any Lands, Tenements, or Hereditaments, purchaſed for the Purpoſes aforeſaid; and the ſaid Company of Proprietors ſhall be, and are hereby authorized and impowered, from and after the Fifth Day of *April* One thouſand ſeven hundred and ninety-four, on which Day this Act ſhall commence and take Effect, by themſelves, their Agents and Workmen, to make and complete a Canal, navigable and paſſable for Boats, Barges, and other Veſſels, from the *Warwick* and *Birmingham* Canal, in the Pariſh of *Budbrooke*, in the County of *Warwick*, into the ſaid *Oxford* Canal, in the Pariſh of *Braunſton*, in the County of *Northampton* aforeſaid, which ſaid intended Canal ſhall be made and carried in the Line and Direction herein-after mentioned, (that is to ſay), out of and from any Part of the *Warwick* and *Birmingham* Canal, in the Pariſh of *Budbrooke* aforeſaid, within the Diſtance of One thouſand five hundred Yards of a certain Bridge at a Place called the *Saltisford*, in the Pariſh of *Saint Mary*, in the Borough of *Warwick* aforeſaid, and from thence through a Part of the ſaid Pariſh of *Budbrooke*, and through the ſeveral Pariſhes, Hamlets, Townſhips, or Places, of *Saint Mary* and *Saint Nicholas*, in the Borough of *Warwick* aforeſaid, *Lemington Priors*, *Radford Semele*, *Offchurch*, *Long Itchington*, *Baſcote*, *Burdingbury*, *Lemington Haſtings*, *Hill*, *Broadwell* otherwiſe *Bradwell*, *Grandborough*, *Woſcote* otherwiſe *Woolſcote*, and *Willoughby*, in the ſaid County of *Warwick*, and *Braunſton*, in the ſaid County of *Northampton*, and to ſupply the ſaid Canal, whilſt making

Incorporated. Their Stile.

Powers to make the Canal.

and when made, with Water, from all ſuch Brooks, Springs, Streams, Watercourſes, Mines, Hollows, Caverns, and other Repoſitories of Water, as ſhall be found in making the ſaid Canal, or within the Diſtance of One thouſand Yards (except as herein-after mentioned) from any Part of the ſaid Canal, or from any Reſervoir or Reſervoirs to be made as herein-after is mentioned for ſupplying the ſaid Canal with Water; and the ſaid Company of Proprietors are hereby alſo authorized and impowered by themſelves and their Deputies, Agents, Servants, and Workmen, to make One or more Reſervoir or Reſervoirs, and to erect One or more Fire Engine or Fire Engines, or other Machines, for the Purpoſe of raiſing and ſupplying the ſaid Canal, or any Part or Parts thereof, and ſuch Reſervoir or Reſervoirs, with Water, and ſuch and ſo many Feeders, Tunnels, and Aqueducts for ſupplying the ſaid Reſervoir or Reſervoirs and Canal with Water, and conveying Water from any ſuch Reſervoir or Reſervoirs to the ſaid Canal, as to them ſhall ſeem neceſſary or proper (except as herein-after mentioned), and for the Purpoſes aforeſaid the ſaid Company of Proprietors, and their Agents, Servants, and Workmen, are hereby authorized and impowered to enter into and upon the Lands and Grounds of and belonging to the King's Majeſty, His Heirs or Succeſſors, or any other Perſon or Perſons, Bodies Politick, Corporate, or Collegiate whatſoever, not being on the Firſt Day of *September* One thouſand ſeven hundred and ninety-three, the Ground whereon a Houſe ſtood, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, Nurſery for Trees, or Lawn incloſed or adjoining to a Manſion Houſe, (unleſs with the Conſent of the Owners and Occupiers thereof reſpectively), 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 Canal, and any ſuch Reſervoir or Reſervoirs, Feeders, Tunnels, and Aqueducts, and all ſuch other Matters and Conveniencies as they ſhall think proper and neceſſary for making, effecting, preſerving, improving, completing, and uſing the intended Navigation, and alſo to bore, dig, cut, trench, ſough, remove, take, carry away, and lay Earth, Soil, Clay, Stone, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in the making of the ſaid Canal, or in the making of any Reſervoir or Reſervoirs, Feeders or Aqueducts, or out of any Lands or Grounds of any Perſon or Perſons adjoining or lying contiguous thereto, and which may be proper, requiſite, or convenient for carrying on, continuing, or repairing, the ſaid Canal or other Works, or which may hinder, prevent, or obſtruct, the making, uſing, completing, and maintaining the ſame, and alſo to make, build, erect, and ſet up, in or upon the ſaid intended Canal, or upon the Lands adjoining or near to the ſame reſpectively, ſuch and ſo many Bridges, Tunnels, Aqueducts, Sluices, Locks, Weirs, Pens for Water, Stanks, Reſervoirs, Drains, Wharfs, Quays, Landing Places, Weigh Beams, Cranes, Fire Engines, or other Machines, and other Works, Ways, Roads, and Conveniencies, as and where the ſaid Company of Proprietors ſhall think requiſite and convenient for the Purpoſes of the ſaid Navigation, and alſo from Time to Time to alter, repair, amend, widen, or enlarge, the ſame, or any other of the Conveniencies above-mentioned, as well for carrying or conveying Goods, Commodities, and other Things, to or from the ſaid Canal, as for the carrying or conveying of all Manner of Materials neceſſary

ceſſary for the making, erecting, finiſhing, altering, repairing, amending, widening, or enlarging, the Works of and belonging to the ſaid Navigation, and alſo to place, lay, work, and manufacture, the ſaid Materials on the Grounds near to the Place or Places where the ſaid Works, or any of them, are or ſhall be intended to be, or ſhall be made, erected, repaired, or done, and to build and conſtruct the ſeveral Locks, Bridges, Works, and Erections, belonging thereto, and alſo to make, maintain, repair, and alter, any Fences or Paſſages over, under, or through, the ſaid Canal, or the Reſervoirs and Tunnels, Aqueducts, Soughs, Trenches, Paſſages, Gutters, Watercourſes, and Sluices reſpectively, which ſhall communicate therewith, and alſo to make, ſet up, and appoint, ſuch Roads, Towing Paths, Banks, and Ways, convenient for towing, haling, or drawing of Boats, Barges, or other Veſſels, paſſing in, through, along, or upon, the ſaid Canal, as they the ſaid Company of Proprietors ſhall think convenient, and to conſtruct, erect, and keep in Repair, any Piers, Arches, or other Works, in, upon, and acroſs, any Rivers or Brooks, for making, uſing, maintaining, and repairing, the ſaid Canal, and the Towing Paths on the Sides thereof, and alſo to conſtruct, erect, make, and do all other Matters and Things which they ſhall think neceſſary and convenient for the making, effecting, preſerving, improving, completing, and uſing, the ſaid Canal, in purſuance and within the true Meaning of this Act, they the ſaid Company of Proprietors 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 for all Damages to be ſuſtained by the Owners or Occupiers of ſuch Mills, Forges, Lands, Tenements, or Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, as ſhall be taken, uſed, removed, diverted, or prejudiced, 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 Servants, Agents, and Workmen, and all other Perſons whomſoever, for what they, or any of them, ſhall do by virtue of the Powers hereby granted.

Surveys taken.

II. And whereas divers Levels and Surveys have been taken, to aſcertain the Practicability of making the ſaid Canal, and a Map or Plan thereof, 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 the ſeveral and reſpective Perſons particularly mentioned in the ſaid Book of Reference; be it therefore further enacted and declared, That there ſhall be Two 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 for the Time being, and ſeverally depoſited and kept in the Office of the Clerk of the Peace for the County of *Warwick*, and with the Clerk to the ſaid Company of Proprietors for the Time being, to which all Perſons ſhall have Liberty to reſort, and make Extracts or Copies thereof, as Occaſion ſhall require, paying to the ſaid reſpective Clerks after the Rate of Three-pence for every One hundred Words, and the ſaid Part of ſuch Map or Plan, and Book of Reference, ſo certified, or a true Copy or Copies thereof, ſhall be, and is and are hereby declared to be good Evidence in all Courts of Law, or elſewhere; and the Clerk to the ſaid Company of Proprietors for the Time being, upon Six Days Notice

Map and Book of Reference to be authenticated;

and allowed in Evidence.

to

to him given for that Purpose, shall from Time to Time produce the Part of the said Map or Plan and Book of Reference in his Custody, 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 to be mentioned in such Notice, in order that the same may then and there be given in Evidence.

For supplying the intended Canal with Water.

III. And, for the better supplying the said intended Canal with Water from the said *Warwick* and *Birmingham* Canal, be it further enacted, That the Waste Weir of the last mentioned Canal, nearest to the Town of *Warwick*, shall, at the Costs and Charges of the said intended Company of Proprietors, be constructed, built, and made in such a Manner that the Waste Water of such Canal shall run and be delivered into the said intended Canal, or some Reservoir belonging thereto, at or as near as possible to the Place where the said *Warwick* and *Birmingham* Canal and the said intended Canal will join or open into each other; any Thing in this Act, or any other Act of Parliament, or any Law or Usage, to the contrary notwithstanding.

For preventing Loss of Water by the Junction with the *Warwick* and *Birmingham* Canal.

IV. And, in order to prevent any Loss of Water which might otherwise be occasioned by Means of such intended Canal being cut and opened into the said *Warwick* and *Birmingham* Canal, it is further enacted and declared, That the Bottom Sill or Sills of the Lock to be erected on the said intended Canal, which shall be the nearest to its Junction to and with the said *Warwick* and *Birmingham* Canal, shall not be laid upon a lower Level than the lower Sill or Sills of the last Lock erected on the *Warwick* and *Birmingham* Canal, which shall be nearest to the Town of *Warwick*, nor shall the Water in the lowest Pond of the *Warwick* and *Birmingham* Canal, or the Water in the First Pond of the said intended Canal next to the said *Warwick* and *Birmingham* Canal, where the Two Canals will join and open into or communicate with each other, be at any Time reduced, diverted, or taken for any Use or Purpose whatsoever to a lower Level than Four Feet above the lower Sills of the said Locks, nor shall the Lock Weir, which shall be erected on the said intended Canal nearest to the said *Warwick* and *Birmingham* Canal, be built, erected, or made more than Two Inches lower than the Waste Weir above-mentioned, and intended to be erected on the Side of the last mentioned Canal, for the Purpose of delivering or suffering the Waste Water of such Canal to run into the said intended Canal, without the Consent of both the said Companies of Proprietors, or of their principal Agents, for that Purpose first had and obtained in Writing; any Thing in this Act, or any other Act of Parliament, to the contrary in anywise notwithstanding.

Line of Canal through the Lands of *Henry Christopher Wise* Esq. described.

V. Provided always, and it is hereby enacted and declared, That the said intended Canal shall be cut through and as near as possible to the North Hedge of a certain Close of Meadow or Pasture Land, the Property of *Henry Christopher Wise* Esquire, and in the Occupation of *Mainwaring* Esquire, situate, lying, and being, in the Parish of *Saint Mary*, in the Borough of *Warwick*, in the said County of *Warwick*, and marked in the Plan of such Canal with the Number Four.

Water not to be taken or diverted from the *Priory Mill Pools*, &c.

VI. Provided alſo, and it is hereby further enacted and declared, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to authorize or impower the ſaid Company of Proprietors, their Succeſſors or Aſſigns, or any Perſon or Perſons acting under their Authority, to take or uſe, divert, turn, obſtruct, or diminiſh, in any Manner whatſoever, any or either of the Springs, Streams, Rivulets, or Watercourſes, which now run into or towards, or which ſupply, a certain Mill called *The Priory Mill*, and a certain Water Engine called *The Priory Engine*, and certain Pools called *The Priory Pools*, or any or either of them, belonging to the ſaid *Henry Chriſtopher Wiſe*, ſituate in the ſaid Pariſh of *Saint Mary*, in the Borough of *Warwick* aforeſaid; and that the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall for ever hereafter take eſpecial Care, at their own Coſts and Charges, to convey the ſaid Springs, Streams, Rivulets, and Watercourſes, undiminiſhed, under the ſaid intended Canal, in their preſent Courſe or Courſes, towards the ſaid Mill, Engine, and Pools, and ſhall not by any Act divert, or by any Omiſſion ſuffer to be diverted, ſuch Springs, Streams, Rivulets, or Watercourſes, or any or either of them, or any Part thereof, out of ſuch Courſe or Courſes; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Water not to be taken out of the Rivers *Avon* or *Leam*.

VII. Provided always, 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, their Succeſſors or Aſſigns, to take or uſe, divert, turn, obſtruct, or diminiſh, in any Manner, certain Rivers, Streams, or Currents of Water, called by the reſpective Names of *The River Avon*, *The River Leam*, *Saltisford Brook*, and *Myton Brook*, or the Brook running to a Mill called *Quinton Mill*, in the Pariſh of *Offchurch*, belonging to *John Wightwick Knightley* Eſquire, or either of them, or any Part of them reſpectively.

No Reſervoir to be made on the Grounds of Mr *Knightley* or of Mrs. *Leigh*.

VIII. Provided alſo, and be it further enacted, That nothing in this Act ſhall extend, or be conſtrued to extend, to enable the ſaid Company, their Succeſſors or Aſſigns, to make any Reſervoir upon the Eſtates of the Honourable *Mary Leigh* and *John Whitwick Knightley* Eſquire, or either of them, without the Conſent in Writing of the Owner or Owners of ſuch Eſtates reſpectively, for the Time being.

Company of Proprietors not to divert or turn any Waters from certain Brooks ſupplying the *Leam*, &c.

IX. Provided alſo, and be it further enacted, That nothing in this Act ſhall extend, or be conſtrued to extend, to enable the ſaid Company, their Succeſſors or Aſſigns, to take, uſe, divert, turn, obſtruct, or diminiſh, any of the Springs, Streams, Brooks, Rivulets, or Watercourſes, running into or communicating with the Rivers, Streams, or Currents of Water above particularized.

Line of Canal through *Griffins* Charity Lands.

X. Provided alſo, and be it further enacted, That the ſaid intended Canal ſhall be made through ſeveral Cloſes of Land or Ground belonging to *Griffin*'s Charity Truſtees, ſituate in the Pariſh of *Saint Nicholas*, in the Borough of *Warwick*, in the Occupation of *Thomas Barnett*, on the South Side of the Farm Houſe in his Occupation, belonging to the ſaid Truſtees, and at the Diſtance of Ninety Yards at leaſt from the ſaid Farm Houſe.

Line of Canal through the Lands of *Matthew Wife* Esq. described.

XI. Provided always, and be it further enacted, That the said intended Canal shall be made or cut through the several Closes of Land or Ground belonging to *Matthew Wise* Esquire, situate in the said Parish of *Lemington Priors*, in the said County of *Warwick*, on the South Side of the Turnpike Road leading from the Town of *Warwick* to *Southam*, in the same County, as near as conveniently may be to the Hedges at the North Ends of such Closes; and that the said Canal shall be made or cut from West to East, through or under One of such Closes called by the Name of *Malin's Hill*, and marked in the Plan of such Canal with the Number Thirty-five, by Means of a Tunnel, with a Towing Path within such Tunnel; and that the Towing Path of such Canal shall be made on the North Side thereof, through the whole Parish of *Lemington Priors* aforesaid; any Thing herein contained to the contrary in anywise notwithstanding.

Line of Canal through the Lands of *Francis Wheler* Esq. described.

XII. Provided always, and it is hereby further enacted, That the said intended Canal shall be made or cut through certain Closes of Land, the Property of *Francis Wheler* Esquire, marked in the Plan of the said intended Canal with the Numbers One hundred and eighty-two One hundred and eighty-three, and One hundred and eighty-four, called by the Names of *Brier Furlong*, *Rusco Butts*, and *Church Leys*, in the Occupation of *Thomas Mason*, and *John Marlow*, and situate in the Parish of *Lemington Hastings*, in the County of *Warwick*, as near as conveniently may be to the Hedges at the North Ends of the said Closes; and that the Towing Path of such Canal shall be made on the North Side thereof, through the said Closes of Land; any Thing herein contained to the contrary thereof notwithstanding.

Lime Stone got in the Lands of Sir *William Wheler*, and *Francis Wheler* Esq. to be paid for by the Company.

XIII. Provided always, and be it further enacted, That the said Company of Proprietors shall pay or cause to be paid unto Sir *William Wheler* Baronet, and the said *Francis Wheler* Esquire, respectively, the Sum of Sixpence *per* Ton for every Ton of Lime Stone which shall be dug or got up in making the said intended Canal and Towing Path through their respective Lands or Grounds, in the Parish of *Lemington Hastings* aforesaid, and that the said Lime Stone which shall be dug or got up shall belong to and be the Property of the said Company of Proprietors, and be disposed of by them as they shall think proper for their own Use; any Thing herein contained to the contrary notwithstanding.

Water not to be taken from the Stream which supplies the Farm House of *John Clarke* Esq.

XIV. Provided always, and it is hereby declared, That nothing in this Act contained shall extend, or be construed to extend, to authorize or impower the said Company of Proprietors, or any Person or Persons acting under their Authority, to take or use, divert, turn, obstruct, or diminish, in any Manner whatsoever, a certain Stream, Current, or Rill, of Water, which runs from a certain Pool in Lands the Property of *John Clarke* Esquire, in the Occupation of *John Goode*, situate in the Parish of *Grandborough*, in the said County of *Warwick*, to a certain Farm House and Outbuildings, likewise the Property of the said *John Clarke*, and in the Occupation of the said *John Goode*, situate in the said Parish of *Grandborough*, in the said County of *Warwick*, and supplies the same with Water, nor to reduce, prejudice, or injure, the said Stream, Current, or Rill, of Water, in any Manner or Degree whatsoever; any Thing herein contained to the contrary in anywise notwithstanding.

XV. And

XV. And be it further enacted, That the ſaid Company of Proprietors in making the ſaid intended Canal, ſhall not deviate from the Courſe or Direction delineated in the ſaid Map or Plan, unleſs the Perſon or Perſons to whom the Lands or Grounds through which any Deviation ſhall be propoſed to be made do or ſhall belong, ſhall give his, her, or their Conſent thereto, in Writing under his, her, or their Hand or Hands. Not to deviate from the Line laid down in the Plan, without Conſent.

XVI. Provided always, and be it hereby further enacted and declared, That the ſaid Company of Proprietors ſhall and may make the ſaid Canal into, through, acroſs, or over, the Eſtates, Lands, or Grounds, of any Perſon or Perſons, whoſe Name or Names ſhall appear to the Satisfaction of the ſaid Commiſſioners, and be by them, or any Five or more of them, certified under their Hands, to be 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, have or hath been, by Miſtake, inſerted therein; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding. Land Owners omitted in the Book of Reference not to obſtruct making the ſaid Canal.

XVII. And be it further enacted, That the Land and Ground to be taken and uſed for the ſaid Canal and Towing Paths, and the Ditches, Drains, and Fences, to ſeparate ſuch Towing Paths from the adjoining Lands, ſhall not exceed Thirty Yards in Breadth, except in ſuch Places where the ſaid Canal ſhall be raiſed higher, or cut above Five Feet deeper, than the preſent Surface of the Land, and in ſuch Places where it ſhall be judged neceſſary 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 Goods, Wares, or Merchandize, nor more than Eighty Yards in Breadth in any one of thoſe Places, without the Conſent of the Owner or Owners of ſuch Land or Ground reſpectively, under his, her, or their Hand or Hands, in Writing, firſt had and obtained; nor ſhall any Land or Ground be ſet out, aſcertained, contracted for, and ſold, for the Purpoſe of making any navigable Cut, Trench, or Sluice, to convey Goods or other Things to or from the ſaid Canal, without ſuch Conſent as aforeſaid; nor for more than One thouſand Yards in Length with ſuch Conſent, any Thing in this Act contained to the contrary notwithſtanding. Breadth of Canal, &c.

XVIII. And be it further enacted, That after any ſuch Parts of the ſaid Lands or Grounds ſhall be ſet out and aſcertained as aforeſaid, for making the ſaid Canal, Reſervoirs, Baſons, and other the Purpoſes and Conveniencies herein-before mentioned, it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Huſbands, Guardians, Truſtees and Feoffees in Truſt for Charities and other Purpoſes, Committees, Executors, or Adminiſtrators, and all other Truſtees whatſoever, 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, Lunatics, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, and to and for every other Perſon or Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in After the Canal, &c. ſet out, the Land ſo ſet out may be ſold and conveyed to the Company.

in any Lands or Hereditaments which ſhall be ſet out and aſcertained as aforeſaid, to contract for, ſell, and convey, unto the ſaid Company of Proprietors, or to ſuch Perſon or Perſons as they ſhall nominate and appoint, for the Uſe of the ſaid Navigation, all or any Part of ſuch Lands or Hereditaments which ſhall from Time to Time be ſet out and aſcertained as aforeſaid, for ſuch Price or Prices in Money, or other Equivalent, as ſhall be agreed upon between ſuch Land Owners reſpectively and the ſaid Company of Proprietors; and where, by making the ſaid Canal, 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, and Collegiate, Tenants for Life or in Tail, and other ſuch Land Owners, by and with the Conſent of the Commiſſioners, to be appointed as herein-after mentioned, or any Five or more of them, to be teſtified by any Writing under their Hands and Seals, to convey in Exchange, in lieu of other Lands, all or any Part of ſuch Lands or Hereditaments through which the ſaid intended Canal ſhall be made, to any Perſon or Perſons whomſoever, or to contract for, ſell, and diſpoſe of, ſuch Lands or Hereditaments to any Perſon or Perſons whomſoever, for ſuch Price or Prices, in Money, or other Equivalent, as to the ſaid Commiſſioners, or any Five or more of them, ſhall ſeem reaſonable; and that all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, and Aſſurances, ſhall be valid and effectual in Law, to all Intents and Purpoſes whatſoever, any Law or Statute 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 what he, ſhe, or they, or any of them, ſhall reſpectively do, by virtue and in purſuance of this Act; and that all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, and Aſſurances (other than thoſe which ſhall be made between any ſuch reſpective Land Owners), ſo to be made as aforeſaid, ſhall be made at the Expence of the ſaid Company of Proprietors; and ſuch of them as ſhall be made of any Lands or other Hereditaments, to the ſaid Company of Proprietors, ſhall be made according to the Form, or to the Effect following; (that is to ſay),

'I *A. B.* of in Conſideration of the Sum
'of to me paid [*or*, in Conſideration
'of the annual Rent of to me to be hereafter
'yielded and paid by yearly, *or* half-yearly, Payments, [*as may be*
'*agreed upon*] by the Company of Proprietors of the *Warwick* and
'*Braunſton* Canal, do hereby grant and releaſe to the ſaid Company all
'[*here deſcribe the Premiſes to be conveyed*], and all my Right, Title,
'and Intereſt, to and in 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 Act of Parliament paſſed for making
'and maintaining the ſaid *Warwick* and *Braunſton* Canal.

'In Witneſs whereof I have hereunto ſet my Hand
'and Seal this Day of
'in the Year of our Lord

Which ſaid Conveyances ſhall be kept by the principal Clerk or Clerks 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 ſhall have and receive Sixpence for every One hundred Words of every ſuch atteſted Copy, and ſo in Proportion for any leſs Number of Words; and every ſuch Conveyance as aforeſaid, which ſhall be made to any Perſon or Perſons, other than the ſaid Company of Proprietors, ſhall be made according to the Form and Effect following:

'I *A. B.* of do hereby, by virtue and in purſuance 'of a certain Act of Parliament, intituled [*here inſert the Title of 'the Act*] by and with the Conſent and Approbation of Five or more 'of the Commiſſioners appointed under or by virtue of the ſaid Act, 'teſtified by their Signatures hereto, and in Conſideration of the Sum 'of to me in Hand paid by *C. D.* 'of at or before the Sealing and Delivery of 'theſe Preſents, the Receipt whereof I do hereby acknowledge [*or*, in 'Exchange for certain Lands or Tenements ſituate at 'conveyed to me by *C. D.* of by Writing under 'his Hand and Seal, bearing even Date herewith], grant and aſſure to 'the ſaid *C. D.* all [*here deſcribe the Premiſes*] to hold to the ſaid *C. D.* 'his Heirs and Aſſigns for ever [*if an Exchange*, in lieu of the ſaid Land 'ſo conveyed to me.]

'In Witneſs whereof I have hereunto ſet my Hand and 'Seal the Day of in the Year 'of our Lord

And every ſuch Conveyance ſhall be valid and effectual.

Remedy for Satisfaction to be made in Groſs or by Annual Rent.

XIX. Provided always, and be it further enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſon or Perſons herein-before capacitated to ſell or convey Lands or other Hereditaments, or any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments, through, in, or upon which the ſaid Canal, Towing Paths, 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 Canal, or any of them, 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 directed, 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 making and executing ſuch Sale and Conveyance, or any Contract or Contracts for the ſame, 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 Uſes and Maintenance of the ſaid Canal, and for 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 and 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 herein-after appointed, or any Five or more of them,

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 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 Sixty 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 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; 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 receiving and recovering the ſame, ſhall be to him fully paid and ſatisfied; 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 and diſtrain any Boats, Veſſels, or other Goods or Effects, of the ſaid Company of Proprietors, which ſhall be found upon the ſaid Canal, or in or upon the Wharfs, Quays, Warehouſes, or other Works thereto belonging, (Information of ſuch Diſtreſs being immediately given to the ſaid Company of Proprietors, by Notice in Writing delivered to ſome of their Clerks, Collectors of the Rates, or other known Officer, or affixed at ſome of their Wharfs or Quays near to the Place where ſuch Diſtreſs ſhall be made), and to detain the ſame until Payment of ſuch yearly Rents or Sums then due and owing, together with the reaſonable Charges attending ſuch Diſtreſs; and if ſuch Diſtreſs 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 diſtrained, ſhall and may be ſold or diſpoſed of in ſuch Manner as the Law directs in caſe of a Diſtreſs for Rent.

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

Yearly Rents charged on the Rates.

Appointment and Qualifications of Commiſſioners.

XX. And, for ſettling all Differences which may ariſe between the ſaid Company of Proprietors and the ſeveral Owners of and Perſons intereſted in any Lands, Grounds, Tenements, Mills, Mines, Waters, and other Hereditaments, which ſhall or may be taken, uſed, affected, or prejudiced, by the Reaſon of the Execution of any of the Powers hereby granted; be it further enacted, That every Perſon ſeized or entitled in his own Right, or in the Right of his Wife, of or in a Freehold or Copyhold Eſtate ſituate within the Counties of *Warwick* and *Northampton*, or either of them, of the clear yearly Value of One hundred Pounds, and alſo the eldeſt Son and Heir Apparent of every Perſon having ſuch Eſtate as aforeſaid, within the ſaid Counties, or either of them, of the clear yearly Value of Three hundred Pounds, and alſo every Perſon reſiding within the ſaid Counties, or either of them, and having a Perſonal

ſonal Eſtate of the Value of Three thouſand Pounds, ſhall be, and are hereby appointed Commiſſioners 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 not to act where intereſted, and to take an Oath.

XXI. 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 any Way intereſted or concerned in the Matter in Queſtion, or (except in adminiſtering the Oath herein-after mentioned), until he ſhall have taken and ſubſcribed an Oath to the Effect following, before any Three 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 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 Parliament, made in the Thirty-fourth Year of the Reign of King *George* the Third, intituled, [*here inſert the Title of the Act.*]'

And if any Perſon ſhall preſume to act as a Commiſſioner in the Execution of this Act, not being qualified as herein-before mentioned, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of One hundred 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 ſo 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 Plaintiffs, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

Commiſſioners may act as Juſtices of the Peace.

XXII. 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 a Proprietor of 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.

Commiſſioners ſhall fix the Price of Lands.

XXIII. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, ſhall be, and they are hereby authorized and required to examine Witneſſes on Oath, to be adminiſtered by them, touching any Matters in Diſpute to be referred to them under the Authority of this Act, and they are hereby impowered and enabled, by Writing under their Hands and Seals, to determine and adjuſt, from Time to Time, what Sum or Sums of Money ſhall be paid by the ſaid Company of

of Proprietors (either in Groſs or by an Annual Rent or Payment) 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 Canal, and for other 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 ſevering or dividing the ſame, or by Reaſon of the making, uſing, repairing, or maintaining, the ſaid Canal, and the Reſervoirs, Aqueducts, Feeders, Tunnels, Sluices, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, Railways, or other Works or Conveniencies, 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 Canal, Reſervoirs, Sluices, and 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 diverting any Stream or Brook into the ſame, or by the Reaſon or Means of the Execution of any of the Powers herein contained.

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

XXIV. Provided always, and be it further enacted, That if the ſaid Company of Proprietors, or their Committee for the Time being, 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 in like Manner 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 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, or any Five or more of them, 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 (and the ſaid Sheriff, or Coroner, or ſuch other Perſon is hereby impowered and required), to impannel, ſummon, and return, a Jury of Twelve 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, or any Five or more of them, 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, or Coroner, or other Perſon appointed as before mentioned, ſhall return other honeſt and indifferent Men of the By-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, or any Five or more of them, 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 of them, to view the Place or 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, or any Five or more of them, 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.

XXV. 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 Conveniencies, 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

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

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 Body Politick, Corporate, or Collegiate; or to the Tenant or Tenants, Occupier or Occupiers, or other Perſons intereſted in the Uſe, Produce, or Profit, 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 as aforeſaid, all and every ſuch Perſon and Perſons as ſhall be thought neceſſary to be examined as Witneſſes touching the Matter in Queſtion, and may order and authorize the ſaid Jury, or any Six 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, or any Five or more of them, ſhall give Judgement accordingly for and reſpecting the ſame, which ſhall be binding and concluſive againſt all and every Perſon or Perſons whomſoever, as herein-before mentioned or declared.

Penalties on Sheriffs, &c. making Default.

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

Expences of Commiſſioners and the Jury.

XXVII. And be it further enacted, That in all Caſes where a Verdict ſhall be given or made for more Monies, as a Recompence or Satisfaction for any Lands, Grounds, Waters, or Hereditaments, or Property of any Perſon or Perſons whomſoever, or for any Damage to be done to any Lands, Grounds, Waters, Hereditaments, or Property of any Perſon or Perſons, than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors before the Time of the Meeting of the ſaid Commiſſioners, or than had been determined and aſſeſſed by the ſaid

Commiſſioners, or any Five or more of them, or if no ſuch Recompence or Satisfaction had been offered or tendered in reſpect of Damages by or on Behalf of the ſaid Company of Proprietors, then all the Expence of calling ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Inqueſt, ſhall be ſettled by the ſaid Commiſſioners, or any Five or more of them, and be defrayed by the ſaid Company of Proprietors; but if any Verdict ſhall be given or made for the ſame, or a leſs Sum than had been previouſly offered by or on the Behalf of the ſaid Company of Proprietors, or than had been determined or aſſeſſed by the ſaid Commiſſioners, or any Five or more of them as aforeſaid, or in caſe no Damage ſhall be given by the Verdict, where the Diſpute is for Damages only, then, and in every ſuch Caſe, the Coſts and Expences of calling a Meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking ſuch Inqueſt, ſhall be ſettled in like Manner by the ſaid Commiſſioners, or any Five or more of them, and be borne and paid by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have ſuch Controverſy or Diſpute; which ſaid Coſts and Expences, having been ſo ſettled, ſhall and may be deducted out of the Money ſo aſſeſſed and adjudged, where the ſame ſhall exceed ſuch Coſts and Expences, 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 Monies ſhall be deemed and taken, to all Intents and Purpoſes, to be a Payment or Tender of the whole Sum or Sums ſo aſſeſſed or adjudged: Provided always, that whenever any Perſon or Perſons ſhall, by Reaſon of Abſence or otherwiſe, have been prevented from treating, One Half of ſuch Coſts, Charges, and Expences, ſhall be borne and defrayed by the ſaid Company of Proprietors, and the other Half by ſuch Perſon or Perſons as aforeſaid.

Perſons requeſting Juries to enter into a Bond to proſecute.

XXVIII. And be it further enacted, That all and every Perſon or Perſons making Complaint, and requeſting ſuch Jury, ſhall, before the ſaid Commiſſioners ſhall be obliged to iſſue out their Warrant or Warrants for the ſummoning ſuch Jury as aforeſaid, enter into a Bond, with Two ſufficient Sureties, to the Treaſurer to the ſaid Company of Proprietors, in the Penalty of Fifty Pounds, conditioned to proſecute ſuch his, her, or their Complaint, and to bear and pay the Coſts and Expences of ſummoning ſuch Jury, and taking ſuch Inqueſt, in caſe a Verdict ſhall be given for the ſame or a leſs Sum than had been offered by or on Behalf of the ſaid Company of Proprietors, or than had been aſſeſſed by the ſaid Commiſſioners, or any Five or more of them, before the ſummoning and returning the ſaid Jury or Juries, as a Recompence or Satisfaction for any Mills, Forges, Lands, Tenements, or Hereditaments, or for any Damages as aforeſaid.

Notice of Injury to Company of Proprietors before Complaint to Commiſſioners.

XXIX. And be it further enacted, That the ſaid Commiſſioners, or any of them, ſhall not be obliged, by virtue of this Act, to receive or take Notice of any Complaint 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 as aforeſaid, unleſs Application hath been or ſhall be made in relation thereto, by or on Behalf of ſuch Perſon or Perſons, to the ſaid Company of Proprietors, or to their Agent or Agents, or to ſome Collector or Collectors of the Tolls ariſing from the ſaid Navigation, in the County where the Cauſe of Complaint ſhall ariſe, within the Space of Six Calendar Months next after the Time ſuch ſuppoſed

ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

Penalty on giving falſe Evidence.

XXX. And be it further enacted, That all and every Perſon or Perſons, who, in any Examination to be taken by this Act, ſhall wilfully give falſe Evidence before the ſaid Commiſſioners, or any of them, or any ſuch Jury, or before any Juſtice or Juſtices of the Peace, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be ſubject to ſuch Puniſhments and Diſqualifications as any Perſon or Perſons can or may be ſubject to for wilful and corrupt Perjury by any of the Laws or Statutes of this Realm.

Upon Payment or Tender of Monies, Company of Proprietors to enter to make Canal.

XXXI. And be it further enacted, That upon Payment of ſuch Sum or Sums of Money, or giving Security as the ſaid Commiſſioners, or any Five or more of them, ſhall approve, for Payment of any ſuch Annual Rent as ſhall be contracted or agreed for between the Parties, or determined or adjuſted by the ſaid Commiſſioners, or any Five or more of them, or aſſeſſed by ſuch Juries in Manner reſpectively as aforeſaid, for the Purchaſe of or Satisfaction for any Lands, Tenements, or Hereditaments as aforeſaid, to the Proprietors thereof, or other Perſons entitled to receive ſuch Money or Rent reſpectively, or legal Tender thereof made to ſuch Proprietor or Proprietors, or other Perſon or Perſons, or to the principal Officer or Officers of any ſuch Body Politick, Corporate, or Collegiate, at any Time after the ſame ſhall have been ſo agreed for, determined, or aſſeſſed, or if he, ſhe, or they, cannot be found, or ſhall refuſe to accept ſuch Money or Rent, upon Tender thereof to ſuch Perſon or Perſons as the ſaid Commiſſioners, or any Five or more of them, ſhall, by Writing under their Hands, appoint, for the Uſe of, and to be paid upon Demand, without Fee or Reward, to ſuch Proprietors or Perſons reſpectively as aforeſaid, then, and in ſuch Caſe, ſuch Tenements, Lands, and Hereditaments, reſpectively, and the Fee Simple and Inheritance thereof, ſhall from thenceforth be veſted in, and become for ever the ſole Property of the ſaid Company of Proprietors, to and for the Purpoſes of this Act; and it ſhall be lawful for the ſaid Company of Proprietors, their Agents, Workmen, and Servants, immediately to enter, and to dig, cut, trench, ſough, and remove Earth, Stone, Rubbiſh, Trees, Roots of Trees, and all other Obſtructions, for the making, uſing, maintaining, and repairing, the ſaid Canal, and Towing Path on the Sides thereof, in or upon ſuch Lands, Tenements, or Hereditaments, for which ſuch Satisfaction ſhall be determined or aſſeſſed as aforeſaid, and thereupon to make, erect, or do any Works, Matters, or Things, for the effecting and carrying on the ſaid Navigation, and for the ſupporting and maintaining the ſame, as the ſaid Company of Proprietors ſhall think requiſite, and to have, uſe, and enjoy, the ſame, to and for their own Uſe and Benefit, for the Purpoſes of the ſaid Navigation; and this Act ſhall be ſufficient to indemnify, as well the ſaid Commiſſioners as the ſaid Company of Proprietors, and their Servants, Agents, and Workmen, for what they or any of them ſhall do by virtue of the Powers hereby granted.

Verdicts, &c. to be recorded, and Lands to become veſted in the Company.

XXXII. And be it further enacted, That all Determinations of the ſaid Commiſſioners, which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the ſaid Verdicts and Judgements, (being firſt ſigned by

by ſuch Number of the ſaid Commiſſioners as are hereby reſpectively authorized to make ſuch Determinations, and who ſhall have been preſent at the making of ſuch Determinations, or the taking of ſuch Verdicts, and the pronouncing of ſuch Judgements reſpectively), ſhall be tranſmitted to and kept by the reſpective Clerks of the Peace, amongſt the Records of the Quarter Seſſions of the Peace for the ſaid Counties of *Warwick* and *Northampton* 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, and alſo the Inrolments of ſuch Contracts, Agreements, Sales, and Conveyances, as are herein-before mentioned, paying for every Inſpection the Sum of One Shilling, and to take Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words, and ſo in Proportion for any leſs Number of Words; and immediately on ſuch Payment, and Entry of ſuch Verdict, Judgements, Sentences, Decrees, Orders, and other Proceedings, of the ſaid Commiſſioners and Juries reſpectively, all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand, in Law and Equity, of the Perſon or Perſons for whoſe Uſe ſuch Money or Rent ſhall be paid, in, to, and out of, the Meſſuages, Lands, Tenements, and Hereditaments, ſhall veſt in the ſaid Company of Proprietors, and they ſhall reſpectively be deemed in Law to be in the actual Seiſin and Poſſeſſion thereof, to all Intents and Purpoſes whatſoever, as fully and effectually as if every Perſon having any Eſtate in the Premiſes had actually conveyed the ſame to them by Leaſe and Releaſe, Bargain and Sale inrolled, Feoffment with Livery and Seiſin, Fine or Recovery, or any other legal Conveyance whatſoever; and ſuch Payment ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to whoſe Uſe ſuch Payment ſhall be made, but alſo ſhall extend, and be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail, and other Eſtates and Intereſts, either in Reverſion or Remainder, againſt the Iſſue or Iſſues of ſuch Perſon or Perſons, and all and every other Perſon and Perſons whomſoever, 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.

Proprietors to be taxed for Lands and Buildings in the ſame Proportion as adjoining Lands and Buildings.

XXXIII. And be it further enacted and declared, That the ſaid Company of Proprietors ſhall, from Time to Time, be rated to all Parliamentary and Parochial Taxes, Rates, and Aſſeſſments, for and in reſpect of the Lands and Grounds to be purchaſed or taken, and all Warehouſes and other Buildings to be erected by the ſaid Company of Proprietors, in purſuance of this Act, in the ſame Proportions as other Lands, Grounds, and Buildings, lying near the ſame, are or ſhall be rated.

Purchaſe Monies to be laid out to the ſame Uſes.

XXXIV. 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, or to any Feoffees in Truſt, Tenants for Life or in Tail, 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 Lands, Tenements, or Hereditaments, as aforeſaid, ſhall, in caſe the ſame exceed the Sum of Twenty Pounds, by ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Tenants for Life or in Tail, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other the Truſtees or Perſon or Perſons ſeiſed of Lands, Tenements, or Hereditaments, ſo limited in ſtrict Settlement, be laid out, as ſoon as conveniently may be, in the Purchaſe of Lands, Tenements, or Hereditaments, in Fee Simple, to be conveyed to or for the Uſe of ſuch Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Truſt, Tenants for Life or in Tail, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, 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, Tenements, or Hereditaments, for or in reſpect whereof ſuch Purchaſe Money or Monies ſo to be received, ſhall be paid as aforeſaid, were ſettled, limited, and aſſured, at the Time ſuch Monies were ſo agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or ſo many of ſuch Uſes as ſhall be then exiſting and capable of taking Effect, ſuch Conveyances and Settlements (other than thoſe which concern any Purchaſe or Exchange between any of the reſpective Land Owners as aforeſaid) to be made at the Expence of the ſaid Company of Proprietors; and in the mean Time, 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, Tenants for Life or in Tail, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, Perſon or Perſons, in ſome of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Perſons, One to be nominated by the Party or Parties intereſted therein, and the other by the ſaid Commiſſioners, or any Five or more of them, and the Intereſt ariſing or to be produced from ſuch Funds or Securities, and alſo the Annual Rent for ſuch Lands, Tenements, or Hereditaments, where a Rent ſhall be fixed upon as aforeſaid, ſhall be charged upon the Rates and Dues hereby authorized to be taken by the ſaid Company of Proprietors, and ſhall be paid to ſuch Perſon or Perſons reſpectively as would for the Time being be entitled to the Rents and Profits of ſuch Lands, Tenements, and Hereditaments, ſo to be purchaſed, in caſe the ſame were purchaſed and ſettled purſuant to the Tenor and true Intent and Meaning of this Act.

Commiſſioners to ſettle Proportions of Money to be paid to Perſons intereſted.

XXXV. And be it further enacted, That the ſaid Commiſſioners, or any Five or more of them, may and are hereby impowered to ſettle what Shares and Proportions of the Purchaſe Money, or Recompence, or Damages, which ſhall be ſo agreed for between the ſaid Company of Proprietors, or any of them, or determined and adjuſted by the ſaid Commiſſioners, or any Five or more of them, or aſſeſſed by the ſaid Juries in Manner reſpectively as aforeſaid, ſhall be allowed to any Tenant or other Perſon having a particular Eſtate, Term, or Intereſt, in the Premiſes, for his, her, or their reſpective Intereſts therein, except in ſuch Caſes where the ſame are herein directed to be laid out and inveſted in the Purchaſe of Lands, Tenements, or Hereditaments; and in Default of Payment of ſuch Sum or Sums of Money, and at

ſuch

ſuch Times and in ſuch Manner as ſhall be aſſeſſed and awarded, for Damages of any Kind, by virtue of this Act, it ſhall be lawful for the ſaid Commiſſioners, or any Five or more them, to appoint One or more Perſon or Perſons to receive the Rents and Dues by this Act impoſed, and thereout, in the Firſt Place, to pay all ſuch Damages ſo to be determined or aſſeſſed as aforeſaid, with the Coſts, (if any), occaſioned by ſuch Refuſal or Default of Payment, and the Money ſo to be received by ſuch Perſon or Perſons ſhall be, and is hereby declared to be as ſo much Money received to the Uſe of ſuch Perſon or Perſons, who ſhall be entitled to receive ſuch Satisfaction for Damages as aforeſaid, in Order and Courſe reſpectively as ſuch Determinations ſhall be in Priority of Time, and after ſuch Damages and Coſts ſhall be paid and ſatisfied, the Power and Authority of ſuch Receivers for the Purpoſes aforeſaid ſhall ceaſe and determine, or otherwiſe, ſuch Sum or Sums of Money ſo to be aſſeſſed and awarded, and which ſhall not be paid according to the Judgement of the ſaid Commiſſioners, or any Five or more of them, as aforeſaid, ſhall and may be recovered by Action at Law, in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt the ſaid Company of Proprietors, together with full Coſts of Suit.

Compenſation to be made for Tythes.

XXXVI. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors for all the Tythes, both great and ſmall, which would have been iſſuing from or out of any of the Lands which ſhall be taken or made uſe of for the Purpoſes of this Act, to the ſeveral Perſons who now are, or at any Time hereafter might have become entitled to ſuch Tythes according to their reſpective Intereſts therein, ſuch Tythes to be eſtimated at the Average Value of the Four Years commencing at *Michaelmas* Day One thouſand ſeven hundred and eighty-nine, and ending at *Michaelmas* Day One thouſand ſeven hundred and ninety-three, ſuch Value to be aſcertained (in caſe of any Difference concerning the ſame) in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be aſcertained: Provided always, that ſuch Recompence and Satisfaction ſhall be made to Spiritual Perſons by an Annual Rent.

If Coſts and Damages not paid in Four Months, ſame may be levied.

XXXVII. Provided always, That in caſe the Damages and Coſts by this Act directed to be ſatisfied out of the Tolls ariſing by the ſaid intended Navigation ſhall not be paid and ſatisfied within the Space of Four Calendar Months after the ſame ſhall be ſo determined or aſſeſſed as aforeſaid, that then and in ſuch Caſe it ſhall and may be lawful for the ſaid Commiſſioners, or any Five or more of them, upon Complaint made to them by or on Behalf of the Perſon or Perſons ſuſtaining ſuch Damage, to iſſue their Warrant or Warrants, under their Hands and Seals, to the Sheriff of the County of *Warwick* or *Northampton*, as the Caſe ſhall be, authorizing and impowering him to levy the Damages ſo to be determined and aſſeſſed, by Diſtreſs and Sale of any of the Goods and Chattels of the ſaid Company of Proprietors, together with ſuch reaſonable Charges as the ſaid Commiſſioners, or any Five or more of them, ſhall in ſuch Warrant direct and appoint.

Commiſſioners to appoint a Clerk.

XXXVIII. And be it further enacted, That all Orders and Proceedings of the ſaid Commiſſioners ſhall be regularly entered in a Book to be kept for

for that Purpoſe, and ſuch Entries being ſigned by ſuch Number of the ſaid Commiſſioners as are impowered by this Act to make ſuch Orders or carry on ſuch Proceedings, ſhall be deemed original, and admitted as Evidence in all Courts whatſoever; and the ſaid Commiſſioners, or any Five or more of them, may and are hereby required, at a Meeting to be held by them at *The Warwick Arms Inn*, in the Borough of *Warwick*, on the Firſt *Monday* in the Month of *June* One thouſand ſeven hundred and ninety-four, or as ſoon thereafter as conveniently may be, to appoint out of Three Perſons to be nominated by the ſaid Company of Proprietors, ſuch One of the ſaid Three Perſons as they the ſaid Commiſſioners, or any Five or more of them, ſhall think proper, to be their Clerk, and from Time to Time to remove ſuch Clerk, and appoint another in his Stead, out of Three Perſons to be nominated as aforeſaid, which Clerk ſhall be paid for his Care and Trouble in the Execution of ſuch Office by the ſaid Company of Proprietors.

To prevent deſtroying Works.

XXXIX. And be it further enacted, That if any Perſon ſhall wilfully, maliciouſly, and to the Prejudice of the ſaid Navigation, break, throw down, damage, or deſtroy, any Banks or other Works to be erected or made by virtue of this Act, or do any other wilful Hurt or Miſchief to, or obſtruct, hinder, or prevent, the carrying on and completing the ſaid Navigation, every Perſon ſo offending, and being thereof lawfully convicted, ſhall be adjudged guilty of Felony, and every ſuch Felon ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of Felony, and the Court by or before whom ſuch Perſon or Perſons ſhall be tried and convicted ſhall have Power and Authority to tranſport ſuch Felon, for the Space of Seven Years, in like Manner as other Felons are directed to be tranſported by the Laws and Statutes of this Realm, or in Mitigation of ſuch Puniſhment may, if they think fit, 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 of *Warwick* or *Northampton*, 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; 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 or may be committed to the Common Gaol for the County of *Warwick* or *Northampton*, as the Caſe may happen, for any Time not exceeding Six Calendar Months, at the Diſcretion of the Juſtice or Juſtices before whom ſuch Offender ſhall be convicted.

Proprietors may raiſe Capital among themſelves to carry on the Works;

XL. And, to the End that the ſaid Company of Proprietors may be enabled to carry on ſo uſeful an Undertaking, be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, to raiſe and contribute among themſelves, in ſuch Proportion or Proportions as to them ſhall ſeem meet and convenient, a competent Sum of Money for making and completing the ſaid Navigable Canal, Roads, and other Ways, Works, and Conveniencies, to the ſame belonging, or requiſite thereto reſpectively, provided that the ſaid Sum do not

100,000 *l.* to be divided into Shares;

exceed the Sum of One hundred thouſand Pounds in the Whole (except as herein-after mentioned), and that the ſame be divided into

ſuch Number of Shares as herein-after directed, at a Price not exceeding One hundred Pounds *per* Share, and that no Perſon ſubſcribing thereto, or becoming a Proprietor in ſuch Navigation, do become a Proprietor of leſs than One Share, or more than Fifteen Shares, either in his own Name or in the Name or Names of any other Perſon or Perſons in Truſt for him, (except the ſame ſhall come to him by Will or Act in Law), upon Pain of forfeiting to the ſaid Company of Proprietors, their Succeſſors and Aſſigns, all ſuch Shares exceeding Fifteen Shares, except as herein 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 the Payment, Diſcharge, and Satisfaction of all Fees and Diſburſements for obtaining and paſſing this Act, and all other neceſſary Expences preparatory or relating thereunto, and all the Reſidue and Remainder of ſuch Money for and towards making, completing, and maintaining, the ſaid Navigable Cut or Canal, and other the Purpoſes of this Act, and to no other Uſe, Intent, or Purpoſe whatſoever.

No Perſon to have more than 15 Shares.

Application of the Money to be raiſed.

XLI. And be it further enacted, That the ſaid Sum of One hundred thouſand Pounds, or ſuch Part thereof as ſhall be raiſed by the ſeveral Perſons herein-before named, and by ſuch other Perſon or Perſons who ſhall or may, at any Time within Two Years from the Firſt *Monday* in *June* One thouſand ſeven hundred and ninety-four, become a Subſcriber or Subſcribers to the ſaid Navigation, ſhall be divided and diſtinguiſhed into One thouſand equal Parts or Shares, at a Price not exceeding One hundred Pounds *per* Share, which Shares may be numbered in regular Progreſſion; and that the ſaid One thouſand Shares ſhall be, and they 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 they and each of them have ſubſcribed, or ſhall ſeverally ſubſcribe and pay thereunto; and all and every the ſaid Shares ſhall be Perſonal Eſtate, and tranſmiſſible as ſuch, and not of the Nature of Real Property; and every the Bodies Politick and Corporate, and every other Perſon and Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe and pay the Sum of One hundred Pounds, or ſuch Sum or Sums as ſhall be demanded in lieu thereof, towards carrying on and completing the ſaid intended Navigation, ſhall be entitled to and receive, after the ſaid Navigation ſhall be completed, the entire and neat Diſtribution of One one-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, not exceeding Fifteen Shares, except as herein mentioned, to any One Perſon as aforeſaid; and every Body Politick or Corporate, or Perſon or Perſons having ſuch Property of One one-thouſandth Part or Share in the ſaid Undertaking, and ſo in Proportion as aforeſaid, ſhall bear and pay an adequate proportionable Sum of Money towards carrying on the ſaid Undertaking, in Manner herein-after enacted, directed, and appointed.

Money to be raiſed to be divided into 1000 Shares of 100 *l.* each.

XLII. And be it further enacted, That in caſe the ſaid Sum of One hundred thouſand Pounds, herein-before authorized to be raiſed, ſhall be found inſufficient for the making, completing, and maintaining, the ſaid Navigable

Additional Sum of 30, 000 *l.* to be raiſed if neceſſary.

Canal, and other the Works hereby authorized to be made, and all neceſſary Charges and Expences relating thereunto, then, and in ſuch Caſe, it ſhall be lawful for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, to raiſe and contribute amongſt themſelves, in Manner and Form aforeſaid, or to borrow or take up at Intereſt on their Bond or Bonds, or on a Mortgage or Mortgages of the Tolls and Duties hereby granted, under their Common Seal, any further or other Sum of Money for completing and maintaining the ſaid Navigation, not exceeding the Sum of Thirty thouſand Pounds.

Intereſt to be paid to the Subſcribers out of the Money raiſing whilſt the Works are carrying on.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, their Succeſſors and Aſſigns, and they are hereby required, out of the Money to be raiſed as aforeſaid, during the Time the ſaid Canal, and all Things neceſſary for the making, completing, and maintaining the ſame, ſhall be carrying on, and until the ſame ſhall be completed and finiſhed, to pay unto every Body Corporate and Politick, Perſon or Perſons, 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 of Money as ſhall, from Time to Time, be demanded in reſpect thereof, towards carrying on and completing the ſaid Navigation, Intereſt for the ſame, after the Rate of Five Pounds for every One hundred Pounds for One Year from the Time that each of ſuch Sum or Sums ſhall be ſo reſpectively advanced as aforeſaid, unleſs the Majority of the ſaid Proprietors preſent at any General Meeting ſhall conſent to poſtpone the Payment thereof.

Subſcribers to have a Vote for each Share.

XLIV. And, to the End that all Matters and Things touching, concerning, or relating to the carrying on and completing the ſaid Navigation may be managed and conducted in the moſt beneficial Manner, be it further enacted, That every Body Politick or Corporate, or other Perſon, who by virtue of this Act ſhall have ſubſcribed, or undertaken for, or become entitled to, One one-thouſandth Share of the ſaid Navigation, ſhall be deemed a Proprietor for ſo much, and ſhall have a Vote in every publick Meeting or Aſſembly to be held as hereafter 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 a Proprietor or Proprietors of the ſaid Navigation duly conſtituted under his, her, or their Hand and Seal, or Hands and Seals, and ſuch Vote or Votes by Proxy ſhall be good and ſufficient to all Intents and Purpoſes as if ſuch Principal or Principals had voted in Perſon; and any Body or Bodies Politick or Corporate, Perſon or Perſons, who ſhall have more than One ſuch Share, and not exceeding Fifteen Shares (except as herein-before excepted), ſhall have Liberty, by him, her, or themſelves, or by his, her, or their Proxy or Proxies, being Proprietors as aforeſaid, regularly conſtituted as aforeſaid, to give One Vote for each ſuch Share of One hundred Pounds for which he, ſhe, or they ſhall be a Subſcriber, or become a Proprietor as aforeſaid; and whatever Queſtion, Election of proper Officers, or other Matters or Things, ſhall be propoſed, diſcuſſed, or conſidered, in any publick Aſſembly to be held by virtue of this Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote for every Share,

provided that no Perſon ſhall give or deliver more Proxies than for Sixty Shares of abſent Proprietors.

General Aſſembly for chooſing a Committee.

XLV. And, to the End that all Matters and Things to be done and carried on by Virtue and Authority of this Act may be the more regularly and methodically carried into Execution, be it further enacted, That the Firſt General Aſſembly or Meeting of the Proprietors for putting this Act in Execution, ſhall be held at *The Warwick Arms Inn*, in the Borough of *Warwick*, upon the Twenty-ſeventh Day of *May* One thouſand ſeven hundred and ninety-four, and the Second General Meeting at ſuch Time and Place as the ſaid Proprietors, or the major Part of them, at their ſaid Firſt Meeting, ſhall appoint; and the like General Aſſemblies or Meetings ſhall be held on the Day next following the laſt *Tueſday* in the Months of *March* and *September* in each and every Year for the future, at or before the Hour of Twelve of the Clock in the Forenoon, at which ſaid Firſt Meeting, or ſome ſubſequent Meeting, the Proprietors aſſembled, together with ſuch Proxies as ſhall be then preſent, ſhall chooſe Twenty Perſons, who are for the Time being Proprietors of Three or more Shares each in the ſaid Navigation, which Perſons ſo choſen ſhall be a Committee to manage the Affairs of the ſaid Company of Proprietors in ſuch Manner as is herein-after directed, and as ſhall, from Time to Time, be ordered by ſuch General Aſſemblies as aforeſaid; but if at any Time it ſhall appear to any Ten or more of ſuch Proprietors, that for the more effectually putting this Act in Execution a Special Meeting of Proprietors is neceſſary to be held, it ſhall be lawful for ſuch Ten or more of them to cauſe Notice thereof to be given in Two of the *Birmingham* Newſpapers, and in ſuch other Manner as the ſaid Proprietors, or their Succeſſors and Aſſigns, ſhall at any General Meeting direct or appoint, declaring in ſuch Notice the Place where, and the Time when, ſuch Meeting is to be held, the ſame not being leſs than Ten Days after ſuch Notice given, and likewiſe ſpecifying in every ſuch Notice the Reaſon and Intention of ſuch Meetings reſpectively, and the Proprietors are hereby authorized to meet purſuant to ſuch Notice, and to proceed to the Execution of the Powers by this Act given, with reſpect to the Matters ſo ſpecified only; and all ſuch Acts of the Proprietors, or the major Part of them, at ſuch Meeting aſſembled, ſuch major Part not having, either as Principals or Proxies, leſs than One hundred and thirty Shares, ſhall be as valid, to all Intents and Purpoſes, as if the ſame were done at Meetings held in Manner herein-before appointed.

Committee to be under Controul of General Aſſembly.

XLVI. Provided always, and be it further enacted, That ſuch Committee ſhall, from Time to Time, be ſubject to the Examination and Controul of the ſaid General Aſſemblies or other Meetings of the ſaid Proprietors as aforeſaid, and ſhall pay due Obedience to all ſuch Orders and Directions in and about the Premiſes as they ſhall, from Time to Time, receive from the ſaid Proprietors at any ſuch General Aſſembly or other Meeting, ſuch Orders and Directions not being contrary to any expreſs Directions or Proviſions in this Act contained.

General Aſſemblies to conſiſt of 250 Shares.

XLVII. And be it further enacted, That if at any ſuch General Aſſembly there ſhall not be Perſons preſent who have Two hundred and fifty ſuch Shares as aforeſaid, either as Principals or Proxies, no Choice of

of a Committee ſhall be made at that Time, but in ſuch Caſe there ſhall be a new Aſſembly of the Proprietors of the ſaid Navigation, at the ſame Place, upon that Day Three Weeks following, and at the End of every ſucceeding Three Weeks, until Perſons having, either as Principals or Proxies, a ſufficient Number of Shares to form a General Meeting ſhall attend, and ſuch Choice ſhall be then made of Perſons to be on the Committee as ought to have been made on the Day herein-before appointed, had there then been a ſufficient Number of Votes preſent, and the Perſons then choſen to be of the ſaid Committee ſhall have the ſame Power which they would have had, and continue in ſuch Office until ſuch Time as they would have done had they been choſen on the Day herein-before appointed; and that in caſe of Failure of the meeting of Perſons, having Two hundred and fifty Votes as Principals or Proxies at ſuch Firſt Meeting, or any ſubſequent Meeting, the whole Number of Principals who ſhall not be preſent at ſuch Firſt Meeting, or any ſubſequent Meeting, by him, her, or themſelves, or his, her, or their Proxy or Proxies, ſhall forfeit to the ſaid Company of Proprietors, for every ſuch Share which he, ſhe, or they ſhall then have in the ſaid Navigation or Undertaking, the Sum of Ten Shillings for each Share in the ſaid Undertaking, to be ſtopped out of the next Payment of Intereſt, or out of the next Dividend of the Profits of the ſaid Undertaking, as the Caſe may happen.

Power of General Aſſemblies.

XLVIII. And be it further enacted, That every ſuch General Aſſembly ſhall have Power to call for, audit, and ſettle, all Accounts of Money laid out and diſburſed on Account of the ſaid Navigation, with the Treaſurer, Receiver or Receivers, or other Officer or Officers to be by them appointed, or any other Perſon or Perſons whomſoever employed by, or concerned for or under them, in and about the aforeſaid Navigation, and for that Purpoſe, and the other Purpoſes of this Act, ſhall have Power to adjourn themſelves over from Time to Time, and from Place to Place, as ſhall be thought convenient by the Perſons entitled to a Majority of Votes in Manner aforeſaid; and every General Aſſembly, or ſuch Committee met together by the Authority of this Act, ſhall have Power, from Time to Time, to make ſuch Call or Calls of Money from the Proprietors of the ſaid Navigation, to defray the Expences of, or carry on the ſame, as they, from Time to Time, ſhall find wanting and neceſſary for thoſe Purpoſes, ſo that no Call do exceed the Sum of Ten Pounds for every One hundred Pounds, and ſo as no Call be made but at the Diſtance of Three Calendar Months at the leaſt from each other, which Money, ſo called for, ſhall be paid to ſuch Perſon or Perſons, and in ſuch Manner as the ſaid General Aſſembly or Committee ſhall, from Time to Time, appoint or direct, for the Uſe of the ſaid Undertaking; and ſuch Committee ſhall, until the next Annual or other General Aſſembly to be holden in Manner as aforeſaid, or until another Committee ſhall be appointed, have full Power and Authority to direct and manage all and every the Affairs of the ſaid Company of Proprietors, as well in buying and purchaſing Lands, Liberties, and Materials for the Uſe of the ſaid Navigation, 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, ſo as no ſuch Purchaſe, Bargain, or other Matter, be done or tranſacted without the Concurrence of the Majority of the Members of ſuch Committee who ſhall aſſemble together at any of their

Powers of Committee.

Meetings, ſuch Majority being not leſs than Five; and every Owner or Owners of One or more Part or Parts, Share or Shares, in the ſaid Undertaking, ſhall pay his, her, or their Shares or Proportions of the Monies to be called for as aforeſaid, at ſuch Time and Place as ſhall be appointed, of which Two Calendar Months Notice at leaſt ſhall be given, by publiſhing the ſame in One or more of the *Birmingham* Newſpapers, and in ſuch other Manner as the ſaid Proprietors, their Succeſſors or Aſſigns, at any General Aſſembly, or the ſaid Committee, ſhall direct or appoint; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part or Share of the ſaid Money, to be called for as aforeſaid, at the Time and Place appointed by ſuch General Aſſembly or Committee, he, ſhe, or they ſo neglecting or refuſing ſhall forfeit the Sum of Five Pounds for every One hundred Pounds of his, her, and their reſpective Share and Shares, Part and Intereſt, in the ſaid Navigation, Undertaking, and Premiſes; and in caſe ſuch Perſon or Perſons ſhall neglect to pay his, her, or their rateable or proportionable Part or Share of the ſaid Money, to be called for as aforeſaid, for the Space of Two Calendar Months after the Time appointed for the Payment thereof as aforeſaid, then he, ſhe, or they ſo neglecting ſhall forfeit his, her, and their reſpective Share and Shares, Parts and Intereſts, in the ſaid Navigation, Undertaking, and Premiſes, and all the Profit and Benefit thereof, all which Forfeitures ſhall go to the Reſt of the Company of Proprietors of the ſaid Navigation, their Succeſſors and Aſſigns, in Truſt for, and for the Benefit of all the Reſt of the ſaid Proprietors, in Proportion to their reſpective Intereſts.

Subſcribers forfeiting ſhall have Perſonal Notice, and the Forfeiture muſt be declared at a General Aſſembly.

XLIX. Provided always, and be it further enacted, That no Advantage ſhall be taken of any Forfeiture of any Share or Shares of the ſaid Undertaking, unleſs the ſame ſhall be declared to be forfeited at ſome General Aſſembly of the ſaid Company of Proprietors, who ſhall meet within Six Calendar Months next after ſuch Forfeiture ſhall happen to be made; and every ſuch Forfeiture ſhall be an Indemnification to and for every Proprietor ſo forfeiting, againſt all Actions, Suits, or Proſecutions, whatſoever, to be commenced or proſecuted for any Breach of Contract or other Agreement betwixt ſuch Proprietor ſo forfeiting and the Reſt of the Proprietors, with regard to carrying on the ſaid intended Navigation.

General Aſſemblies may remove Committee Men, make Bye Laws, &c.

L. And be it further enacted, That the ſaid Company of Proprietors, their Succeſſors and Aſſigns, for the Time being, ſhall always have Power and Authority, at any General Aſſembly met as aforeſaid, to remove or diſplace any Perſon or Perſons choſen upon ſuch Committee as aforeſaid, or any Officer or Officers under them, and to revoke, alter, amend, or change any of the Rules and Directions herein-before preſcribed and laid down with regard to their Proceedings amongſt themſelves, as to the major Part of them ſhall ſeem meet, (the Method of calling General 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, for the good and orderly uſing the ſaid Navigation and Works, and for the well governing of the Bargemen, Watermen, Boatmen, Boat Owners, and others, who ſhall carry any Goods, Wares, and Merchandize, upon any Part of the ſaid Navigation,

and to impoſe and inflict ſuch reaſonable Fines or Forfeitures upon the Breakers of ſuch new Rules, Bye Laws, or Orders, as to the major Part of ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Five Pounds for any One Offence, ſuch Fines or Forfeitures to be levied and recovered by ſuch Ways and Means as are herein-after mentioned; which ſaid Rules, Bye Laws, and Orders, being put into Writing, under the Common Seal of the ſaid Company of Proprietors, ſhall be binding upon and obſerved by all Parties, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame.

On Death of Subſcribers before Shares completed, Executors and Adminiſtrators allowed to contribute.

LI. Provided always, 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 ſuch Share and Shares ſhall be diſpoſed of, and the Money paid in upon Calls in future, then and in ſuch Caſe the Executors and Adminiſtrators of any ſuch Owner ſo dying, and the Truſtee or Truſtees, Committee or Committees, Guardian and Guardians of any Infant, or other Perſon or Perſons whomſoever entitled to the Eſtate and Effects of ſuch Owner deceaſed, ſhall be indemnified againſt all ſuch Infant or Infants, or other Perſons whomſoever, for paying any Sum or Sums of Money, when called for as aforeſaid, to complete any ſuch Subſcription, and if ſuch Owner deceaſed ſhall not have left Aſſets ſufficient, or in caſe the Executor or Adminiſtrator, Truſtee or Guardian, ſhall refuſe or neglect to anſwer ſuch Calls and Payments, the ſaid Company of Proprietors ſhall be, and they are hereby impowered, authorized, and required to admit any other Perſon or Perſons to be Proprietor or Proprietors of the Share and Shares of ſuch Owner 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 the Truſtee or Truſtees, Committee or Committees, Guardian or Guardians of any Infant or others entitled to his or her Effects, the full Sum and Sums of Money which ſhall have been paid by ſuch Owner in his or her 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.

How Shares may be diſpoſed of.

LII. And be it further enacted, That it ſhall be lawful for the ſeveral Proprietors of the ſaid Navigation to ſell and diſpoſe of any Share or Shares he, ſhe, or they, ſhall and may be entitled to therein, ſubject to the Rules and Conditions herein mentioned; and any Purchaſer or Purchaſers ſhall, for his, her, or their Security, as well as that of ſuch Proprietor or Proprietors, have a Duplicate or Duplicates of the Deed of Bargain and Sale and Conveyance made to him, her, or them, and executed by ſuch Perſon or Perſons of whom he, ſhe, or they, ſhall purchaſe the ſame, and alſo by the Purchaſer or Purchaſers, One Part whereof, duly executed both by the Seller and Purchaſer, ſhall be delivered to the ſaid Committee, or their Clerk for the Time being, to be filed and kept for the Uſe of the ſaid Company, and an Entry thereof ſhall be made in a Book or Books to be kept by the ſaid Clerk for that Purpoſe, for which no more than One Shilling ſhall be paid, and the ſaid Clerk is hereby required to make ſuch Entry accordingly; and, until One Part of ſuch Deed ſhall be ſo delivered unto the ſaid Committee, or their Clerk, and

filed

filed and entered as above, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Navigation, nor any Intereſt for his Share paid unto him, her, or them, or any Vote, as Proprietor or Proprietors.

LIII. And be it further enacted, That after any Call of ſuch Monies ſhall be made by a General Aſſembly, or ſuch Committee as aforeſaid, no Perſon or Perſons ſhall ſell or transfer any Share, which he, ſhe, or they, ſhall then have in the ſaid Undertaking, until the Monies called for upon their reſpective Share or Shares ſo to be ſold ſhall be paid, upon the Penalty of forfeiting his, her, or their, reſpective Shares of the ſaid Undertaking to the ſaid Company, in Truſt, for the Benefit of all the ſaid Proprietors, unleſs the Perſon or Perſons who ſhall be Vendor or Vendors, or Vendee or Vendees, ſhall, at the Time of ſuch Transfer, pay the Money called for upon each Share ſo transferred to the Treaſurer of the ſaid Company; ſuch Forfeitures nevertheleſs to be notified and declared at a General Aſſembly, in Manner above directed. After a Call, no Share to be ſold till Money paid.

LIV. And be it further enacted, That every Transfer of the ſaid Shares ſhall be in the Form, or to the Purport and Effect following; (to wit),

Form of the Transfer.

'I *A. B.* of
' of in Conſideration
' by *C. D.* of , paid to me
' do hereby
' bargain, ſell, and transfer, to the ſaid *C. D.* his Executors, Ad-
' miniſtrators, and Aſſigns, One [*or* more] Share [*or* Shares, *as the*
' *Caſe is*] of the Undertaking of the *Warwick* and *Braunſton* Canal
' Navigation, (being Number
' 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 and Orders, 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 accept the ſaid One Share [*or* Shares] of
' the ſaid Undertaking, ſubject to the ſame Rules, Orders, and Con-
' ditions. Witneſs our Hands and Seals, the
' Day of in the Year of our Lord

LV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treaſurer or Treaſurers, and a Solicitor or Solicitors, and Clerk or Clerks, to the ſaid Company, and to take ſuch ſufficient Security for the due Execution of their reſpective Offices as the ſaid Company of Proprietors ſhall think proper, and from Time to Time remove any ſuch Treaſurer, Solicitor, and Clerk, and appoint another Perſon in his Place and Stead, which ſaid Clerk or Clerks ſhall, in a proper Book or Books to be provided for that Purpoſe, enter and keep a true and perfect Account of the Names and Places of Abode of the ſeveral Proprietors of the ſaid Navigation and Undertaking, and of the ſeveral Perſons who ſhall, from Time to Time, become Owners and Proprietors, or entitled to any Share or Shares therein, and of all the other Acts, Proceedings, and Tranſactions, of the ſaid Company of Proprietors, and of the ſaid Committee, in the Execution of this Act; and that each of the ſaid Proprietors of the ſaid Officers to be appointed.

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 any Part thereof, paying Six-pence for every One hundred Words ſo to be copied; and if any ſuch Clerk ſhall refuſe to permit any of the ſaid Proprietors to inſpect or peruſe ſuch Book or Books, or refuſe to make any ſuch Copy at the Rate aforeſaid, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds; and whenever any ſuch Solicitor, Clerk, or Treaſurer, ſhall die, or be removed from, or quit the Service of the ſaid Company of Proprietors, it ſhall be lawful for the ſaid Committee, or any Five or more of them, to appoint ſome other fit Perſon in the Place of the Treaſurer, Solicitor, or Clerk, ſo dying, being removed, or quitting the Service of the ſaid Company of Proprietors, until the then next General Aſſembly, when ſuch Appointment ſhall be confirmed, or another Treaſurer, Solicitor, or Clerk, ſhall be nominated and appointed in his Stead.

Books to be kept by the Committee.

LVI. And be it further enacted, That the Book and Books, in which all the Accounts relating to the ſaid Undertaking and Navigation ſhall be ſtated and ſettled, and all 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 Majority of the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall, at their General Meeting or Aſſembly, 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 or Proprietors, upon every reaſonable Deſire, ſhall have free Acceſs to ſuch Book and Books for his, her, or their Inſpection.

Rates of Tonnage.

LVII. And 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 or Dues herein after mentioned, for the Tonnage of all Goods, Wares, and Merchandize, which ſhall be carried or conveyed upon the ſaid Navigation; (that is to ſay),

For all Coals, Iron, Timber, and other Things, which ſhall be navigated, carried, or conveyed, upon or along any Part of the ſaid Canal, for any Diſtance, not exceeding Eight Miles, and paſſing a Lock or Locks thereon, the Sum of Two-pence *per* Ton *per* Mile; and ſo in Proportion for a greater or leſs Quantity than a Ton:

For all Coals, Iron, Timber, and other Things, which ſhall be navigated, carried, or conveyed, upon or along any Part of the ſaid Canal for more than Seven Miles, and not more than Fifteen Miles, the Sum of Two-pence *per* Ton for the Firſt Seven Miles, and One Penny *per* Ton for every Mile beyond the Seven Miles, and not exceeding Thirteen Miles:

For all Coals, Iron, Timber, and other Things, which ſhall be navigated, carried, or conveyed, upon or along any Part of the ſaid Canal, and not paſſing a Lock or Locks thereon, the Sum of One Penny Half-penny *per* Ton *per* Mile, and ſo in Proportion for a greater or leſs Quantity than a Ton:

For all Coal, Iron, Timber, and other Things, which ſhall be navigated, carried, or conveyed, upon or along the Whole or any Part of the ſaid Canal, more than Thirteen Miles, the Sum of One Penny Halfpenny *per* Ton *per* Mile; and ſo in Proportion for a greater or leſs Quantity than a Ton:

For all Coal, Iron, Timber, and other Things, which ſhall be navigated, carried, or conveyed, upon or along any Part of the ſaid Canal, leſs than a Mile, to pay the ſame Tonnage, or Sum of Money *per* Ton, as ſuch Articles would have been liable to have paid if the ſame had been navigated on the ſaid Canal the whole Length of a Mile; and ſo in Proportion for a leſs Quantity than a Ton.

LVIII. Provided always, That no more than after the Rate of One Half of the above Tolls or Duties, ſhall be demanded or taken for the Tonnage of any Lime or Lime Stone, which ſhall be navigated, carried, or conveyed, upon or along the ſaid Canal, or any Part thereof.

LIX. Provided alſo, That no more than One Penny Halfpenny *per* Ton *per* Mile, ſhall be demanded or taken for the Tonnage of any Free Stone which ſhall be navigated, carried, or conveyed, upon or along the ſaid Canal, or any Part thereof, but it is hereby declared, that if ſuch Free Stone ſhall be navigated, carried, or conveyed, upon or along any Part of the ſaid Canal for Part of a Mile, the ſame Tonnage or Sum of Money *per* Ton ſhall be paid, as ſuch Free Stone would have been liable to have paid if the ſame had been navigated on the ſaid Canal the whole Length of a Mile; and it is hereby further declared, That no Toll or Duty whatſoever ſhall be demanded or taken for any empty Boat, or other Veſſel, paſſing along any Part of the ſaid Canal, for the Purpoſe of fetching Free Stone: All which ſaid Rates or Dues ſhall be paid to ſuch Perſon or Perſons, at ſuch Place or Places near to the ſaid Canal, in ſuch Manner, and under ſuch Regulations as the ſaid Company of Proprietors, or the Committee for the Time being, ſhall direct or appoint; and in caſe of Denial, or Neglect of Payment of any ſuch Rates or Dues, 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 Court of Record, or the Perſon or Perſons to whom the ſaid Rates or Dues ſhall be ſo directed or appointed to be paid may, and he and they is and are hereby impowered to ſeize and diſtrain any ſuch Boat or Veſſel, or Goods, for or in Reſpect whereof ſuch Rates or Duties ought to be paid, or any Part of ſuch Goods, and detain the ſame, until Payment thereof, together with reaſonable Charges for ſuch Seizure and Diſtreſs; and if ſuch Diſtreſs ſhall not be redeemed within Five Days after the taking thereof, the ſame ſhall be appraiſed and ſold as the Law directs in Caſes of Diſtreſs for Rent.

LX. And be it further enacted, That if any Iron, Ironſtone, Coals, Lime, Limeſtone, or other Goods whatſoever, which ſhall be ſo navigated, carried, or conveyed, ſhall remain upon any Wharf or Wharfs 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 and receive ſuch Allowance, over and above

Wharfage in certain Caſes.

the Rates or Dues herein-before granted, as ſhall be agreed upon between the ſaid Company of Proprietors, or their Agent or Agents for the Time being, and the Owner or Owners of ſuch Iron, Ironſtone, Coals, Lime, Limeſtone, or other Goods, or in caſe of Difference concerning the ſame, as ſhall be aſcertained by the ſaid Commiſſioners, or any Five or more of them.

Exemptions.

LXI. Provided always, and be it further enacted, That no Paving Stones, Gravel, or Sand, or other Materials for the making or repairing of Roads, nor any Dung, Soil, Marl, or other Manure, (Lime and Limeſtone excepted), for the Improvement only of Lands or Grounds of any Perſon or Perſons whoſe Lands or Grounds ſhall or may be had or taken for or upon Account of making the ſaid Canal, or other Works aforeſaid, ſhall be charged with, or liable to the Payment of any of the Rates authorized to be taken by this Act, but ſhall be free and exempted from the ſame, provided the Matters or Things ſo exempted from the Payment of the ſaid Rates as aforeſaid, do not paſs through any Lock to be made by virtue of this Act, except at ſuch Times when the Water ſhall flow over the Lock Weir; and that all Perſons who ſhall own, or be concerned or employed in carrying or conveying any Paving Stones, Gravel, Sand, or other Materials, for the making or repairing of Roads, or Dung, Soil, Marl, or other Manure, (except Lime and Limeſtone), upon or along the ſaid Canal, ſhall have free Liberty to make uſe of the Towing Paths, Wharfs, or Quays, belonging to the ſaid Company of Proprietors, ſuch Perſons not ſuffering ſuch Paving Stones, Gravel, Sand, or other Materials, Dung, Soil, Marl, or other Manure, to lie upon ſuch Wharfs or Quays longer than may be neceſſary for loading or unloading and conveying the ſame from and to the ſeveral Places where they are put on board or unloaded, and making good any Damages that may be done to the Sides or Banks of the ſaid Canal by the loading, unloading, or diſcharging the Boats or other Veſſels carrying or conveying the ſame, which Recompence or Satisfaction, in caſe of any Difference, ſhall be ſettled and aſcertained by the ſaid Commiſſioners, or any Five or more of them.

Company of Proprietors may alter the Rates from Time to Time.

LXII. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their Firſt General Aſſembly to be held as aforeſaid, aſcertain and fix the Rates or Dues to be taken by virtue of this Act, and that it ſhall be lawful for the ſaid Company of Proprietors, at any General Aſſembly to be afterwards held for that Purpoſe, (of which Three Calendar Months Notice at the leaſt ſhall be given in the Manner herein provided for giving Notice of other General Aſſemblies), to leſſen or reduce all or any of the Rates or Dues fixed at ſuch Firſt General Aſſembly as aforeſaid, as the ſaid Company of Proprietors ſhall think proper, and afterwards, from Time to Time, at any General Aſſembly, of which Notice ſhall be given as aforeſaid, to advance and raiſe all or any of the ſaid Rates or Dues ſo leſſened: Provided always, that the ſaid Rates or Dues ſo to be advanced, aſcertained, and fixed as aforeſaid, ſhall not in any Caſe exceed the ſaid Rates or Dues herein-before granted, and that no Reduction of the ſaid Rates or Dues ſhall be made without the Conſent of the Proprietors poſſeſſed of at leaſt Two Parts in Three, (the Whole into Three equal Parts to be divided), of the Shares in the ſaid Navigation.

LXIII. And

LXIII. And for the more eaſy collecting the ſaid Rates or Dues hereby laid and directed to be paid, or which ſhall from Time to Time become due, be it further enacted, That the Maſter, Owner, or Manager, of every Boat or other Veſſel navigating upon the ſaid intended Canal, or any Part thereof, ſhall give a juſt Account, in Writing, ſigned by the Maſter, Owner, or Perſon having the Rule or Command of every ſuch Boat or Veſſel, to the Collectors of the ſaid Rates or Dues, or other Officers to be appointed by the ſaid Company of Proprietors, at the Place or Places where they ſhall attend for that Purpoſe, of the Weight of Goods which ſhall be in or belonging to ſuch Boat or other Veſſel, from whence brought, and where they intend to land the ſame; and if the Goods contained in ſuch Boat or Veſſel ſhall be liable to the Payment of different Rates or Dues, then ſuch Maſter, Owner, or Perſon, ſhall ſpecify the Weight of the ſeveral and reſpective Goods liable to the Payment of each of the ſaid Rates or Dues; and in caſe any ſuch Perſon ſhall neglect or refuſe to give ſuch Account, or ſhall give a falſe Account, or ſhall deliver any Part of the Loading or Goods at any other Place or Places than what is or are mentioned in ſuch Account, every ſuch Perſon ſhall forfeit and pay to the ſaid Company of Proprietors the Sum of Ten Shillings for every Ton of Goods which ſhall be in ſuch Boats or other Veſſels reſpectively, over and above the reſpective Rates or Dues payable for the ſame; and in caſe of Neglect, Refuſal, or Denial, of Payment, on Demand, of ſuch Forfeiture, or any Part thereof, to the ſaid Company of Proprietors, that then and in ſuch Caſe the ſame ſhall be recovered and levied in ſuch Manner and by ſuch Methods as the ſaid Rates or Dues herein-before granted to the ſaid Company of Proprietors are directed and appointed to be recovered and levied.

Maſters of Boats, &c. to give an Account in Writing to the Collectors of Goods on Board.

LXIV. And, for preventing Diſputes touching the Weight of the Lading on Board any Boat or Veſſel paſſing upon the ſaid Navigation; be it further enacted, That the Maſters or Owners of all ſuch Boats or Veſſels ſhall, and they are hereby required to fix, on each Side thereof reſpectively, correct Indexes of Copper, Lead, or other Metal, of ſuch graduated Dimenſions, and of ſuch convenient Height, and under ſuch Regulations as the ſaid 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 the Names of the Owners of ſuch Boats or Veſſels, and the proper Numbers thereof reſpectively, in Copper, Lead, or other Metal as aforeſaid, or painted in large Capital Letters, ſhall alſo, by ſuch Maſters or Owners, be affixed on the Sides of the ſaid Boats or Veſſels, in ſome conſpicuous Manner; and if the Maſter or Owner of any Boat or Veſſel ſhall navigate the ſame upon the ſaid Canal, without having ſuch Index, Name, or Number thereon, or ſhall alter, deface, or deſtroy the ſame, or any Part thereof, every ſuch Maſter or Owner ſo offending ſhall for every ſuch Offence forfeit and pay the Sum of Forty Shillings.

Weight of the Lading of Veſſels to be marked.

LXV. And be it further enacted, That the Owner or Maſter of every Boat or Veſſel navigating upon the ſaid Canal ſhall permit and ſuffer every ſuch Boat or other Veſſel to be gauged or meaſured, at the Expence of the ſaid Company of Proprietors, whenever it ſhall be required by the ſaid Company of Proprietors, or ſuch Perſon or Perſons as ſhall be appointed by them, or the Committee for the Time being, provided that

Boats to be gauged.

that no ſuch Boat ſhall be gauged or meaſured more than Four Times in any One Year; and every Owner, Maſter, or other Perſon having the Rule or Command of any Boat or other Veſſel, who ſhall refuſe to have his Boat or other Veſſel gauged or meaſured as aforeſaid, or ſhall refuſe to produce the Certificate of the Gauge of ſuch Boat or other Veſſel, ſhall, for every ſuch Offence, forfeit and pay the Sum of Forty Shillings.

One hundred and Twenty Pounds Weight to be deemed an Hundred Weight.

LXVI. And, for the better aſcertaining the Tonnage of all Goods, Wares, and Merchandize, to be charged with the Payment of ſuch Rates or Dues as aforeſaid; be it further enacted, That for the Purpoſe of this Act, One hundred and twenty Pounds Weight Avoirdupois ſhall be deemed and taken in all Caſes as and for One hundred Weight, and that Twenty ſuch Hundred Weights ſhall be deemed and taken as and for One Ton; any Uſage of rating and eſtimating the ſame to the contrary notwithſtanding.

Collectors may weigh Goods.

LXVII. And be it further enacted, That if any Difference ſhall ariſe between any Collector of the ſaid Rates or Dues and the Maſter or Perſon having Charge of any Boat or Veſſel, or the Owner of any Goods, Wares, or Merchandize, concerning the Weight or Quantity of the ſame, it ſhall be lawful for any ſuch Collector to ſtop and detain any ſuch Boat or Veſſel, and to weigh, meaſure, or gauge, or cauſe to be weighed, meaſured, or gauged, all ſuch Goods, Wares, and Merchandize as ſhall be therein contained, and in caſe the ſame ſhall, upon ſuch weighing, meaſuring, or gauging, appear to be of a greater Weight or Quantity than the Account given in of the ſame by the Maſter, Owner, or Perſon as aforeſaid, ſuch Maſter, Owner, or Perſon, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, all which ſaid Coſts and Charges, upon Refuſal of Payment thereof, upon Demand, ſhall and may be recovered and levied by ſuch Ways and Means, and in ſuch Manner as the ſaid Rates or Dues herein-before granted are directed to be recovered and levied, but if ſuch Goods, Wares, and Merchandize, ſhall appear to be of the ſame, or leſs Weight or Quantity than the Account given in by ſuch Maſter, Owner, or other Perſon, then the ſaid Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, and ſhall alſo pay to ſuch Maſter or Perſon, or to the Owner or Owners of ſuch Goods, Wares, and Merchandize, ſuch Damages as ſhall appear to the ſaid Commiſſioners, or any Five or more of them, upon the Oath of any credible Witneſs, to have ariſen from ſuch Detention, (all which Oaths the ſaid Commiſſioners, or any Five or more of them, are hereby impowered to adminiſter), 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.

Navigation to be free on Payment of Rates.

LXVIII. 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 to be made as aforeſaid, (except the Towing Paths), for the Purpoſe of conveying any Goods, Wares, Merchandize, and Commodities whatſoever, to or from the ſaid Canal, and alſo to navigate upon the ſaid Canal with any Boats or Veſſels, not exceeding Seven Feet in Breadth, and to uſe the ſaid Wharfs and Quays for loading and unload-

ing any Goods, Wares, Merchandize, and Commodities, and also to use the said Towing Paths, with Horses, for haling and drawing such Boats and Vessels, upon Payment of such Rates and Dues as shall be demanded by the said Company of Proprietors, not exceeding the Rates and Dues herein-before mentioned: Provided always, that no Boat or other Vessel of less Burthen than Twenty Tons, or less than Seventy Feet in Length, shall pass through any of the Locks to be made by virtue of this Act, without the Consent of the said Company of Proprietors, or their principal Agent for the Time being, in Writing, first had and obtained.

No Boat under Twenty Tons to pass through any Lock without the Consent of the Company.

LXIX. And be it further enacted, That it shall be lawful for the Owners and Occupiers of any Lands adjoining to the said Canal, to use, upon the said Canal, any Pleasure Boats, or any Boats for the Purpose of Husbandry only, or for conveying Cattle from any Farm or Lands to any other Farm or Lands of the same Owner or Occupier, without the Interruption of the said Company of Proprietors, or any Person acting under their Authority, without paying any Rate or Due for the same, so as such Boats be not of greater Breadth than Five Feet, and do not pass through any Lock to be made by virtue of this Act, and be not employed in carrying any Goods, Wares, or Merchandize to Market, or for Sale, or any Persons for Hire, and so as the same do not obstruct or prejudice the Navigation of the said Canal, or the Towing Paths on the Sides thereof; and the respective Owners of all such Pleasure or other Boats, shall in their own Lands, make convenient Places for such Boats to lie in, and shall not suffer the same to be moored or remain upon the said Canal.

Owners and Occupiers of Lands may use Pleasure and other Boats for certain Purposes, but not to carry for Hire.

LXX. Provided always, and be it further enacted, That, for the better Accommodation of the Owners and Occupiers of such Open and Common Field Lands as the said Canal shall be cut through, the said Company of Proprietors shall, and they are hereby impowered and required to purchase Land on each Side of such Canal, of the Breadth of Twenty-four Feet, exclusive of the Towing Paths and Fences, which shall and may be used by the Owners and Occupiers of such Open Field Lands for the Purpose of turning their Ploughs and Harrows upon, and as Field Roads, whereby such Owners and Occupiers may go to and from their respective Lands in such Open Fields, with Horses, Cattle, and Carriages, and use the same for all other necessary Purposes of Husbandry, and the Cultivation of the respective Lands in such Fields; and that in case an Inclosure shall at any Time or Times hereafter be made of such Open and Common Fields, or any or either of them, by virtue of any Act or Acts of Parliament, or by any other Means, then the Commissioners, or Persons who shall be invested with the Power of allotting and dividing the Lands in such Open Fields, or either of them, shall estimate the Value of the Lands so directed to be purchased for the Purposes aforesaid, and shall assess, charge, and levy, the Value thereof upon the several Proprietors of Lands in the said respective Open Fields, in Proportion to their respective Lands therein, and cause such Value to be paid by them respectively unto the Treasurer or Treasurers of the said Company of Proprietors for the Time being, for the Use of such Company, and immediately after Payment thereof the Land herein-before directed to be purchased for the Purposes before mentioned shall be

Directing Roads to be made and left by the Side of Canal where it passes through Common Field Lands.

veſted in the Perſon or Perſons to whom the ſame ſhall be allotted and awarded by the Commiſſioners or Perſons impowered to allot and divide ſuch Open Fields in Manner aforeſaid.

Drains to be made for Lands adjoining.

LXXI. 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, Drains, or other Paſſages, over, under, or into, the ſaid Canal, and the Trenches, Streams, and Watercourſes communicating therewith, and the Towing Paths on the Sides thereof, of ſuch Depth and Breadth as ſhall be ſufficient at all Times to convey the Water from the Lands adjoining or lying near to the ſaid Canal, without obſtructing or impeding the ſame, and alſo to make proper Watering Places for Cattle, where by Means of the ſaid Canal Cattle ſhall have been deprived of Watering Places, and that all ſuch Arches, Tunnels, Drains, or other Paſſages, ſhall, from Time to Time, be ſupported, maintained, and kept in good and ſufficient Repair, by the ſaid Company of Proprietors; and if at any Time after One Calendar Month's Notice ſhall, by or on Behalf of any of the Owners or Occupiers of the Lands adjoining or lying near to the ſaid Canal, who ſhall find him, her, or themſelves aggrieved by the Obſtruction of the ſaid Watercourſes, be given to the ſaid Company of Proprietors, or to their Clerk, Agent, or Collector, for the Time being, the ſaid Arches, Tunnels, Drains, or other Paſſages, ſhall not be made, cleanſed, and repaired, according to the true Intent and Meaning of this Act, it ſhall be lawful for any Perſon or Perſons, having an Order in Writing for that Purpoſe, from any Five or more of the ſaid Commiſſioners, from Time to Time, as often as there ſhall be Occaſion, to make, cleanſe, and repair, ſuch Arches, Tunnels, Drains, or other Paſſages, and the reaſonable Expences thereof, to be aſcertained by the ſaid Commiſſioners, or any Five or more of them, ſhall be defrayed by the ſaid Company of Proprietors, and in caſe of Neglect or Refuſal to ſatisfy the ſame, for the Space of One Calendar Month after Demand made thereof upon the ſaid Company of Proprietors, or their Clerk, Agent, or Collector for the Time being, ſuch Expences ſhall and may be recovered and levied in ſuch Manner as the Coſts and Charges of making and erecting Bridges and other Works by the Owners and Occupiers of Land are by this Act directed and appointed to be recovered and levied.

Towing Paths to be ſeparated from the adjoining Lands.

LXXII. And be it further enacted, That the ſaid Company of Proprietors ſhall, within Six Calendar Months after any Land ſhall be taken for the Uſe of the ſaid Canal, at their own proper Coſts and Charges, divide and ſeparate, and keep conſtantly divided and ſeparated, the Towing Paths on each Side of the ſaid Canal, Trenches, or other Watercourſes or Paſſages, or ſuch Part or Parts thereof as ſhall be judged neceſſary by the ſaid Commiſſioners, or any Five or more of them, from the adjoining Lands or Grounds, by Poſts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences ſufficient to keep out Sheep and other Cattle, to be ſet and made on the Lands or Grounds which ſhall be purchaſed by, conveyed to, or veſted in, the ſaid Company of Proprietors as aforeſaid, and 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, erected, ſet up, and made, as aforeſaid, and alſo ſhall, at their own Charges, make, erect, and ſet up, ſuch and ſo many convenient Gates, Bridges, and Stiles, in and over all the Hedges and Fences to be by them ſo made on the Sides of ſuch Towing Paths as aforeſaid, and alſo ſuch Bridges, Arches, and Paſſages, over, under, or through the ſaid Canal, Trenches, or other Watercourſes, and of ſuch Dimenſions, and in ſuch Manner, as the ſaid Commiſſioners, or any Five or more of them, ſhall, from Time to Time, judge neceſſary and appoint, for the Owners and Occupiers of the Lands, Grounds, or Hereditaments adjoining to the ſaid Canal, Trenches, Streams, Watercourſes, and Towing Paths, or any of them reſpectively; and the ſaid Company of Proprietors ſhall not make the ſaid Canal, or any Trench or other Watercourſe, or any Part thereof, in or acroſs any common Highway, publick Bridle Way, or Foot Path, until they ſhall, at their own proper Charges, have made and perfected ſuch Bridges, Paſſages, or Arches, over, through, or under, the Places where the ſaid Canal, Trenches, or Watercourſes, reſpectively, ſhall be intended to be made, for ſuch Road, Way, or Path, and of ſuch Dimenſions, and in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall judge proper, and all ſuch Gates, Stiles, Bridges, Arches, and other Works and Conveniencies, ſo to be made, ſhall, from Time to Time, be ſupported, maintained, and kept in ſufficient Repair by the ſaid Company of Proprietors.

Gates, Bridges, *etc.* to be made.

LXXIII. And be it further enacted, That in caſe the ſaid Company of Proprietors, or their Agents, ſhall neglect or refuſe to divide and ſeparate, and to keep divided and ſeparated, the Towing Paths of the ſaid Canal, Trenches, or other Watercourſes, in Manner herein-before directed, or to make, erect, and ſet up ſuch Gates, Bridges, and Stiles, in and over the Fences on the Sides of the Towing Paths, or ſuch Bridges, Arches, and Paſſages, over, under, or through, the ſaid Canal, and the ſaid Trenches and other Watercourſes as aforeſaid, 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 adjoining thereto, of ſuch Dimenſions, and in ſuch Manner as the ſaid Commiſſioners, or any Five or more of them, ſhall from Time to Time direct and appoint, for the Space of Three Calendar Months next after the reſpective Times to be appointed for thoſe Purpoſes by the ſaid Commiſſioners, or any Five or more of them, then and in every ſuch Caſe it ſhall be lawful for any of the Owners or Occupiers of the ſaid adjacent Lands, who ſhall find themſelves aggrieved by any ſuch Neglect or Refuſal, to make, erect, and ſet up all ſuch Gates, Stiles, Bridges, Arches, Paſſages, Watering Places and other Conveniencies as aforeſaid, and all the reaſonable Coſts and Charges thereof, to be ſettled and allowed by the ſaid Commiſſioners, or any Five or more of them, ſhall be repaid to the reſpective Owners or Occupiers of the ſaid adjacent Lands, who ſhall have ſo made and erected the ſaid Gates, Stiles, Bridges, Arches, Paſſages, Watering Places, or other Conveniencies as aforeſaid, by the ſaid Company of Proprietors, within Twenty Days next after the ſame ſhall have been ſo ſettled and allowed, and an Account and Demand ſhall have been made and delivered thereof; and in Default of Payment of the ſaid Coſts

In caſe of Failure, Commiſſioners to do it.

Coſts and Charges within the Time aforeſaid, the ſaid Commiſſioners, or any Five or more of them, ſhall, and they are hereby required, by Warrant under their Hands and Seals, to levy the ſame by Diſtreſs and Sale of any of the Goods and Chattels of the ſaid Company of Proprietors, which ſhall be found upon the ſaid Canal, or the Wharfs, Quays, Warehouſes, or other Premiſes adjoining or near the ſame, to be applied to and for the Uſe of ſuch Perſon or Perſons who ſhall have ſo laid out and expended the ſame as aforeſaid, rendering to the ſaid Company of Proprietors, or to ſome of their Agents, the Overplus (if any there be) after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale, to be ſettled by the ſaid Commiſſioners, or any Five or more of them, or otherwiſe the ſaid Owners or Occupiers of Land, who ſhall have made, erected, or ſet up any Gates, Stiles, Bridges, Arches, Paſſages, Watering Places, or other Conveniencies as aforeſaid, ſhall and may have ſuch and the like Remedy againſt the ſaid Company of Proprietors, for the Recovery of ſuch Coſts and Charges, by Action at Law, to be commenced and proſecuted in ſuch Manner as in other Caſes is in and by this Act mentioned and directed.

In caſe of the Company neglecting to repair Works Land Owners to do it.

LXXIV. And be it further enacted, That in caſe the ſaid Poſts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences aforeſaid, or the ſaid Gates, Stiles, Bridges, Arches, Paſſages, Watering Places, or other Conveniencies, ſhall be out of Repair, and the reſpective Owners and Occupiers of Lands and Grounds who ſhall be affected thereby, or any of them, ſhall apply to the ſaid Commiſſioners, or any Five or more of them, for Liberty to repair the ſame, and ſhall give at leaſt Thirty Days previous Notice to the ſaid Company of Proprietors of ſuch intended Application, and of the Time and Place of making the ſame, in One of the *Birmingham* Newſpapers, or in ſuch other Manner as the ſaid Company of Proprietors ſhall, at any General Aſſembly, direct or appoint, that then the ſaid Commiſſioners, or any Five or more of them, are hereby impowered by Warrant in Writing under their Hands and Seals, to authorize or impower ſuch Owners or Occupiers to make good ſuch Repairs as to them ſhall ſeem neceſſary, in caſe the ſaid Company of Proprietors ſhall not, within Twenty Days from the Time of granting ſuch Warrant, cauſe the ſame to be done; and the ſaid Owners or Occupiers reſpectively ſhall have and recover the Coſts and Charges thereof by ſuch Ways and Means as are herein-before provided for recovering the Coſts and Charges of the firſt making, erecting, and ſetting up the ſame by the ſaid Owners and Occupiers reſpectively.

Works damaged by Floods to be repaired by the Company.

LXXV. And whereas it may happen from Floods, or from ſome unexpected Accidents, that the Locks, Weirs, Flood Gates, Dams, Banks, Reſervoirs, Trenches, or other Works of the ſaid Navigation may be damaged or deſtroyed, and the adjacent Lands, and Property thereon, thereby damaged, and that it may be neceſſary 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 Delay or Interruption from any Perſon or Perſons whomſoever, to enter into any Lands, Grounds, or Hereditaments, adjoining or near to the

ſaid intended Canal, Reſervoirs, or Trenches, or any of them, (not being the Ground whereon any Houſe ſtands, nor an Orchard, Garden, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, Nurſery for Trees, or Lawn incloſed or adjoining to a Manſion 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 Works will admit of, and making Recompence for ſuch Damages to the Owners and Occupiers of, or other Perſons intereſted in, ſuch Lands, Grounds, Property, or Hereditaments, within the Space of Six Calendar Months next after the ſame ſhall be demanded, for all Damages which ſhall or may be done by Means of the digging for, getting, working, taking, carrying away, and uſing ſuch Stones, Gravel, and Materials, or any of them, which Damages, and the Satisfaction and Recompence in reſpect thereof, ſhall be ſettled, adjuſted, aſſeſſed, aſcertained, and determined by the Ways and Means herein preſcribed with reſpect to other Damages done by the making and completing the ſaid Navigation.

Coals, &c. found in digging the Canal may be taken by the Proprietors of Land.

LXXVI. And be it further enacted, That all Coals, Glaſs Houſe and Pot Clay, Lime Stone, Iron Stone, and other Minerals, which ſhall be found and dug up in making, carrying on, and completing, the ſaid Canal, and any other Works hereby authorized to be made, carried on, and completed, ſhall be laid upon the Surface of the Lands, in ſome convenient Place near the ſaid Works, at the Expence of the ſaid Company of Proprietors, and it ſhall be lawful for the Perſons reſpectively, in whoſe Land or Ground the ſaid Coals, Glaſs Houſe and Pot Clay, Lime Stone, Iron Stone, and other Minerals, ſhall be found and dug up, to take, carry away, and diſpoſe of the ſame to and for their own reſpective Uſe and Benefit, (except in Caſes where it is otherwiſe directed by this Act), and that it ſhall be lawful for the ſaid Owners and Proprietors of any ſuch Mines, Glaſs Houſe and Pot Clay, Lime Stone, Iron Stone, and other Minerals, which ſhall or may be diſcovered or cut in any Tunnel or Aqueduct which ſhall be made by virtue of this Act, to make a Sough or Soughs, Drain or Drains, to water or drain the remaining Part of ſuch Mines or Minerals, and to diſcharge the Water ariſing or flowing from the ſame into ſuch Tunnel or Aqueduct, provided that ſuch ſettling Places be made at convenient Diſtances in ſuch Soughs or Drains as ſhall be approved and directed by the ſaid Company of Proprietors or their principal Engineer, and the ſame ſhall be cleanſed as often as ſhall be neceſſary, at the Expence of the Perſon or Perſons to whom the ſame ſhall belong, in order to prevent the Mud and Earth from being conveyed into ſuch Tunnel or Aqueduct, provided that ſuch Parts of the ſaid Soughs or Drains as ſhall be under or within the Diſtance of Ten Yards from ſuch Tunnel or Aqueduct on either Side thereof ſhall not exceed Four Feet in Breadth, and that the ſame ſhall be made under the Direction and Inſpection of the ſaid Company of Proprietors, or their principal Engineer; and that no Owner or Proprietor of any Mines or Minerals, their Workmen or Servants, or other Perſons whomſoever, ſhall open or carry on any Works for digging, getting, or diſcovering, ſuch Mines or Minerals, under any Tunnel, or within Twenty Yards of

the ſame, without the Conſent of the ſaid Company of Proprietors; and that no Water ſhall be taken or drawn off lower than the Level of the Water in the ſaid Canal, by any Works to be made, carried on, or erected, for getting ſuch Coals, Glaſs Houſe and Pot Clay, Lime Stone, Iron Stone, and other Minerals, within Twenty Yards of any Tunnel or Aqueduct, unleſs ſuch Water ſhall be returned into the ſaid Canal through ſuch Tunnel or Aqueduct; and that no Owner or Proprietor of any Mines or Minerals, his Workmen or Servants, or other Perſon whomſoever, ſhall on any Account whatſoever open, dig, ſink, or carry on, any Work for the getting of Coal, Lime Stone, Iron Stone, or Mineral, within the Diſtance of Twenty Yards from the ſaid intended Canal, or any Reſervoir or Reſervoirs, to be made by the ſaid Company of Proprietors as aforeſaid, nor ſhall any Coals or other Minerals be got under any Part of the ſaid Canal, or the Towing Paths thereunto belonging, or under any ſuch Reſervoir or Reſervoirs as aforeſaid, or within or under any Land or Ground lying within the Diſtance of Twenty Yards of either Side of the ſaid Canal, or any ſuch Reſervoir or Reſervoirs, or other Works, on any Account whatſoever (except as herein-after mentioned), without the Conſent of the ſaid Company of Proprietors, in Writing, under their Common Seal, for that Purpoſe firſt had and obtained.

Method of getting Mines under the Canal.

LXXVII. Provided nevertheleſs, That when any Mine of Coal, Iron Stone, or other Minerals, or any Vein thereof, ſhall extend beyond the Limits herein-before allowed for working the ſame, it ſhall be lawful for the Owner of any ſuch Mine, without any ſuch Conſent as aforeſaid, from Time to Time, to make ſufficient and neceſſary Gate Ways, Head Ways, or Tunnels, and alſo ſufficient and neceſſary Air and Water Gutters on each Side of ſuch Gate Ways, Head Ways, or Tunnels, under the ſaid Canal and Towing Paths, and alſo under any Ground where ſuch Owners are reſtrained from working as aforeſaid, to dig, make, and get, ſuch Coal, Iron Stone, or other Minerals, beyond ſuch Limits, ſo as ſuch Gate Ways do not exceed Seven Feet in Height, nor Seven Feet and a Half in Breadth, and ſo as ſuch Head Ways or Tunnels do not exceed Six Feet in Height, nor Four Feet in Breadth, and ſo as ſuch Air and Water Gutters, on the Sides of ſuch Gate Ways, Head Ways, or Tunnels, do not exceed Eighteen Inches in Height, nor Eighteen Inches in Breadth, and ſo as that all ſuch Gate Ways and Headways are not made nearer together than Twelve Feet; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Method of diſcovering when Mines are working under the Canal.

LXXVIII. And, for the better diſcovering of Perſons who ſhall or may open, dig, ſink, or carry on any Work for the getting of Coal or other Minerals, contrary to the Directions of this Act; be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, by themſelves, their Agents, or Servants, from Time to Time, and at all Times hereafter, to enter upon any Lands or Grounds through or near which the ſaid intended Canal, and other Works hereby authorized to be made, ſhall be or paſs, wherein any Coal or other Mines ſhall or may be dug or opened, and likewiſe to enter into ſuch Coal Pits, Works, or other Mines, and there to view, ſearch, meaſure, latch, dial, and uſe all other Means for the diſcovering of the Diſtance of the ſaid intended Canal and other Works from the working Parts of ſuch Mines reſpectively; and in caſe it ſhall appear that any ſuch Mines have been worked or got

contrary

contrary to the Directions of this Act, it ſhall be lawful for the ſaid Company of Proprietors, and for their Agents, Servants, and Workmen, at the Expence, Coſts, and Charges of the Owners or Proprietors of all ſuch Mines reſpectively, to enter into and upon all ſuch Mines, and from Time to Time to uſe all neceſſary and reaſonable Ways and Means for repairing, ſupporting, ſuſtaining, ſecuring, and making ſafe the ſaid Canal and other Works; and ſuch Expences, Coſts, and Charges, if not paid on Demand, ſhall be recovered by the ſaid Company of Proprietors by Action of Debt, or on the Caſe, in any Court of Record, and ſhall be paid into the Hands of the Treaſurer or Receiver to the ſaid Company of Proprietors, to be applied for the Purpoſes of this Act.

Mines to be got by the Owners, unleſs the Company make Satisfaction.

LXXIX. Provided always, and be it further enacted, That when and ſo often as the Owner or Proprietor of any Mines of Coal, Lime Stone, or other Mines and Minerals, lying under the ſaid Canal and other Works, or within the Diſtance herein-before limited, ſhall be deſirous of working the ſame, then and in every ſuch Caſe ſuch Owner or Proprietor ſhall give Notice in Writing under his Hand, of ſuch Intention, to the Clerk to the ſaid Company of Proprietors, at leaſt Three Calendar Months before he ſhall begin to work ſuch Mines, and upon the Receipt of ſuch Notice it ſhall be lawful for the ſaid Company of Proprietors to inſpect or cauſe ſuch Mines to be inſpected, in order to determine what Coal or other Minerals may be come at, and be actually gotten, without Prejudice or Damage to the ſaid Canal, or other Works; and if the ſaid Company of Proprietors ſhall refuſe or neglect to inſpect, or cauſe ſuch Mines to be inſpected, within the Space of Thirty-one Days after the Receipt of ſuch Notice, then it ſhall be lawful for the Owner or Proprietor of ſuch Mines, and he is hereby authorized to work and get ſuch Part of the ſaid Mines as lie under the ſaid Canal and other Works, or within the Diſtance aforeſaid; and if upon ſuch Inſpection as aforeſaid, the ſaid Company of Proprietors ſhall refuſe to permit any of the Owners or Proprietors of the ſaid Mines to work ſuch Part thereof as lies under the ſaid Canal and other Works, or within the Diſtance aforeſaid, or any Part thereof, as they might from Time to Time have come at and actually gotten, or in any other Manner obſtruct or prevent them from getting the ſame, that then the ſaid Company of Proprietors ſhall, within Three Calendar Months after ſuch Refuſal or Obſtruction as aforeſaid, pay, or cauſe to be paid, to all ſuch Owners or Proprietors of ſuch Mines reſpectively, ſuch Price or Prices for the ſame, in Proportion to their ſeveral Intereſts therein, as the next adjoining Mines of equal Quality ſhall have been really and *bona fide* ſold for, or be eſtimated or valued at; and if any Queſtion or Diſpute ſhall ariſe between the ſaid Company of Proprietors and any ſuch Owners or Proprietors of the ſaid Mines, their Heirs, Executors, or Adminiſtrators, touching any of the Matters aforeſaid, then the ſame ſhall be ſettled and determined by the ſaid Commiſſioners, or any Five or more of them, in ſuch Manner and ſubject to the Verdict of a Jury, if required, as the Value of the Lands for making the ſaid Canal and other Works is by this Act directed to be ſettled and aſcertained; and in Default of Payment of ſuch Money, the ſaid Commiſſioners, or any Five or more of them, are hereby impowered and required, by Warrant under their Hands and Seals, to cauſe the ſame to be levied by Diſtreſs

and

and Sale of the Goods and Chattels of the ſaid Company of Proprietors, which ſhall be found upon the ſaid Canal, or the Wharfs, Quays, or Warehouſes, adjoining or near to the ſame, to and for the Uſe of ſuch Owners or Proprietors of the ſaid Mines, as the Caſe may be, or otherwiſe, the ſaid Owners or Proprietors, their Heirs, Executors, or Adminiſtrators reſpectively, may ſue for and recover the ſame, with full Coſts of Suit, by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*.

Owners, &c. may make Cuts into the ſaid Canal and Collateral Cuts through their own Lands.

LXXX. And be it further enacted, That it ſhall be lawful for all Owners or Proprietors of any Mines or Minerals to work, carry on, and drain the ſame, and to make ſuch Navigable Cuts through their own Lands to communicate with the ſaid Canal, and in ſuch Manner as they ſhall reſpectively think proper, ſubject to the Terms and Conditions of this Act, ſo as no Injury or Damage be done to the ſaid Navigation, and ſo as the Perſon or Perſons making any ſuch Cuts ſhall, if thereunto required by the ſaid Company of Proprietors, make, erect, and maintain, One or more Stop Gate or Stop Gates on every ſuch Cut, in order to prevent the Water being drained or waſted out of the ſaid Canal, by Means of making any ſuch Cuts to communicate therewith as aforeſaid.

Owners of Lands may erect Bridges.

LXXXI. And be it further enacted, That if the Owners or Occupiers of any Lands through which the ſaid intended Canal ſhall be made, do or ſhall at any Time or Times find that the ſeveral Gates, Stiles, Bridges, Arches, Paſſages, Watering Places, and other Conveniencies, which the ſaid Commiſſioners, or any Five or more of them, ſhall have ordered and directed to be made by the ſaid Company of Proprietors, in, upon, over, under, or through, the ſaid Canal, or the Towing Paths thereof, are inſufficient, either in Number or Situation, for the commodious Uſe and Occupation of the reſpective Lands and Grounds on both Sides, or on either Side of the ſaid Canal, then and in every ſuch Caſe it ſhall be lawful for ſuch Owners or Occupiers, with the Conſent and Approbation of the ſaid Committee of Proprietors, 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 any Five or more of the ſaid Commiſſioners, to make, fix, and erect, at their own Coſts and Charges, ſuch other Gates, Stiles, Bridges, Arches, Paſſages, Watering Places, or other Conveniencies, of the ſame or the like Conſtructions with ſuch as ſhall have been made and erected by the ſaid Company of Proprietors, on, in, over, or near, the ſaid Canal or Towing Paths, and in ſuch Places as ſhall be found and adjudged moſt neceſſary and convenient for the better Uſe, Cultivation, and Improvement or Occupation of the ſaid Lands, and to repair and ſupport the ſame at their own Coſts and Charges, as Occaſion ſhall require, ſo as the ſaid Navigation be not prevented or obſtructed thereby, for any longer Space of Time, or in any other Manner, than will be neceſſary for making other Gates, Stiles, or Bridges, in or over the ſaid Canal by the ſaid Company of Proprietors.

Company reſtrained from making or taking down Buildings, &c.

LXXXII. And be it further enacted, That nothing in this Act ſhall extend, or be conſtrued to extend, to enable the ſaid Company of Proprietors to erect or build any Mill upon the ſaid Canal, or upon the Land which ſhall be ſet out for the Towing Paths, Wharfs, or Quays on the Sides

Sides thereof, or to convert, employ, or uſe, any Water that ſhall be brought into or diſcharged out of the ſaid Canal, for the Uſe of any Mill hereafter to be erected near the ſame, or to make, erect, or build, any Warehouſes, Buildings, Quays, Wharfs, Cranes, or Weigh Beams, within the Diſtance of One hundred Yards from any Capital or Manſion Houſe, or in or upon any Yard or Garden appertaining to a Dwelling Houſe, or a Park, Paddock, or Avenue to a Houſe, or Nurſery for Trees, or Lawn incloſed adjoining to any Manſion Houſe, or to take down or damage any Dwelling Houſe or Out Houſe, without the Conſent of the Proprietors thereof reſpectively, or to cut down any Timber Wood, Bruſh Wood, or Underwood, upon any of the Eſtates or Lands through or into which the ſaid Canal, Roads, Paſſages, or Coveniencies, ſhall be made or carried, other than ſuch as ſhall grow or be in or upon any of the Lands which ſhall be ſet out or aſcertained, taken or uſed, for the Purpoſes of the ſaid Navigation; and that the Proprietors of the reſpective Lands, on which ſuch Timber Wood, Bruſh Wood, or Underwood, ſhall be cut down, was growing, ſhall be at Liberty (if they chuſe) to take ſuch Timber Wood, Bruſh Wood, and Underwood reſpectively, when fallen 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, but in caſe the ſame ſhall not have been eſtimated at or purchaſed by them upon a Valuation ſeparate or diſtinct from the Lands or Grounds upon which the ſame reſpectively ſhall then grow, then at ſuch Price or Value as ſhall be agreed on for that Purpoſe, between ſuch Proprietors 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 ſaid Commiſſioners, or any Five or more of them, ſhall aſcertain and fix, all which Timber Wood, Bruſh Wood, or Underwood, ſo cut down, ſhall and may be carried and conveyed upon the ſaid Canal, to and from any Part thereof, free from all Rates or Dues whatſoever.

Land Owners, &c. may erect Warehouſes, etc. on their own Land.

LXXXIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to reſtrain or hinder the Lord of any Manor, or the Owners of any Lands through or near which the ſaid intended Canal ſhall be made, from building, erecting, or uſing, any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, Warehouſes, and Roads, in and upon his own Lands, Grounds, or Waſtes, adjoining or near to the ſaid Canal, or from landing any Goods, Merchandize, or other Things thereupon, or upon the Banks lying between the ſame and the ſaid intended Canal, or from making and uſing proper and convenient Places for Boats or other Veſſels to lie in, turn, or paſs each other, or for making or laying out proper and convenient Ways and Roads to and from the ſaid Canal, ſo that the making, erecting, or uſing thereof reſpectively ſhall not obſtruct or prejudice the ſaid Navigation, or the Towing Paths on the Sides thereof; and all Rates and Dues that ſhall be paid for the Uſe and Benefit of all ſuch Wharfs, Quays, Landing Places, Cranes, Weigh Beams, Warehouſes, and Roads reſpectively, ſhall be, and the ſame are hereby veſted in the Lord of ſuch Manor, or the Owner of ſuch Lands, Grounds, or Waſtes, who ſhall make, erect, and build the ſame upon his own Lands, Grounds, or Eſtates reſpectively, his and their Heirs and Aſſigns.

But if not within Twelve Months after Notice the Company may build.

LXXXIV. Provided alſo, and be it further enacted, That if any ſuch Lord or Land Owner ſhall not, within the Space of Twelve Calendar Months next after Notice given in Writing, 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 erecting Warehouſes and Buildings for the Uſe of the ſaid Navigation, or the making and laying out neceſſary and convenient Roads for the Conveyance of Goods to and from the ſaid Canal, make, erect, and lay out, and from Time to Time maintain and keep in conſtant and ſubſtantial Repair, ſuch proper and ſufficient Warehouſes, Buildings, and Roads, for the Uſe of the ſaid Navigation, as the ſaid Commiſſioners, or any Five or more of them, ſhall think neceſſary, and on the reſpective Part or Parts of the Lands and Grounds deſcribed in ſuch Notice, that then the ſaid Company of Proprietors ſhall have full and abſolute Power and Authority, without any Hindrance or Reſtraint whatſoever, to make uſe of ſuch Lands, Grounds, or Waſtes, for erecting and building proper and ſufficient Warehouſes and Buildings, and alſo to make and uſe ſufficient Roads and Ways to and from the ſame, agreeable to ſuch Notice to be delivered as aforeſaid, firſt making Satisfaction for the ſame in ſuch Manner as is directed with reſpect to other Lands or Grounds which ſhall be taken and uſed for the Purpoſes of this Act.

Rates of Wharfage to be taken by Lords and Land Owners.

LXXXV. And be it further enacted, That no Rate or Sum of Money ſhall be demanded or taken by any Lord or Land Owner, who ſhall or may make, erect, or build, any Wharfs or Quays, or make or lay out any Roads to and from the ſaid Canal, on any Parts of the Lands or Grounds adjoining to the ſaid intended Canal, by virtue of this Act, as or for Wharfage for any Coals or other Goods or Merchandize, which ſhall be loaded into or diſcharged from any Boat or other Veſſel, unleſs ſuch Coals, Goods, or Merchandize, ſhall lie upon ſuch Wharfs or Quays for a longer Space of Time than Six Hours, and that no more than the Sum of One Penny Halfpenny *per* Ton ſhall be demanded or taken for the Wharfage of Coals, Stone, or Brick, nor more than Three-pence *per* Ton for the Wharfage of any other Goods or Merchandize, where the ſame ſhall be reſpectively placed and remain upon ſuch Wharfs or Quays for a longer Space than Six Hours as aforeſaid, and ſhall not continue thereupon for a longer Space of Time than Six Days, nor ſhall any Thing be demanded or taken for the Uſe of the ſaid Roads for the Conveyance of Goods and Merchandize to and from the ſaid Canal.

Cranes to be erected on the Wharfs and Quays.

LXXXVI. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors to erect, repair, and uſe, any Crane or Cranes, or Weighing Machine, upon every ſuch Wharf or Quay, for the more convenient loading or unloading and weighing of any ſuch Coals or other Goods, in caſe the reſpective Proprietors of ſuch Wharfs or Quays ſhall refuſe to make and erect the ſame within Three Calendar Months after they ſhall have received Notice in Writing for that Purpoſe from or on Behalf of the ſaid Company of Proprietors.

Boat Maſters or Owners to be anſwerable

LXXXVII. And be it further enacted, That the Maſter or Owner of every Boat or other Veſſel navigating upon the ſaid Canal ſhall be and is hereby

hereby made answerable for any Damage, Spoil, or Mischief, that shall be done by his Boat or other Vessel, or any of the Boatmen or Watermen belonging to, or employed in and about the same, to any of the Bridges, Weirs, Locks, Dams, Engines, or other Works, in, upon, or near, the said Canal, or by loading or unloading any Boat or other Vessel; or for any Trespass or Damage that shall or may be done to the Owners or Proprietors of any Buildings, Erections, Lands, or Tenements, adjoining to the same, and the Master or Owner of such Boat or Vessel shall and may be sued and prosecuted for the same in any Court of Record whatsoever, and if a Verdict pass against him, and Judgement be given against him upon Demurrer, or by Default, the Plaintiff in any such Case shall recover his Damages thereby sustained, with Costs of Suit.

for Damage done by their Crew, &c.

LXXXVIII. And be it further enacted, That, in case the Owner or Owners of any Boat, Barge, or other Vessel, navigating on the said Canal shall be compelled to pay any Penalty, or make Satisfaction for any Damage, by reason of any wilful Act, Neglect, or Default, done or committed by his or their Servant, such Servant shall be liable to repay such Penalty or Satisfaction to such Owner or Owners, and, in case of Non-payment, upon Demand thereof, and Oath made by such Owner or Owners of the Payment by him or them of such Penalty or Satisfaction, and that the same hath not been repaid to him or them by such Servant, 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 same Penalty and Satisfaction shall be levied, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale, and the said Penalty and Satisfaction, when recovered, shall be repaid to such Owner or Owners, in Discharge of such Penalty and Satisfaction so by him or them paid for the wilful Act or Default of such Servant as aforesaid, and, in case no sufficient Distress can be had, such Justice of the Peace shall and is hereby required to commit such Servant to the Common Gaol or any House of Correction for the said Counties of *Warwick* or *Northampton* respectively, as the Case may be, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months.

Masters to recover back from their Servants any Sums paid for their Neglect or Default.

LXXXIX. And be it further enacted, That the said Company of Proprietors shall and may, in such Parts of the said Canal as shall not be of sufficient Breadth for admitting a Boat or Vessel to turn about or lie, or for Two Boats or other Vessels to pass each other, to open or cut proper Spaces or Places in the Lands adjoining to the said Canal, at convenient Distances from each other, for the turning, lying, and passing, of any such Boat or Vessel, and that the said Boat or other Vessel being haled or navigated upon the said Canal shall, upon meeting any other Boat or Vessel, stop at, or go back to, and lie in, the said Spaces or Places, in such Manner as the said Committee shall direct and appoint.

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

XC. And be it further enacted, That if any Boat or Vessel shall be placed in any Part of the said Canal, so as to obstruct the Navigation thereof, and the Person having the Care of such Boat or Vessel shall not immediately upon Request made for that Purpose remove the same, he shall, for every such Offence, forfeit a Sum not exceeding Ten Shillings, nor less

Vessels lying so as to obstruct the Navigation to be removed.

leſs than Five Shillings, for every Hour which ſuch Obſtruction ſhall continue; and it ſhall be lawful for the Agents or Servants of the ſaid Company of Proprietors to cauſe any ſuch Boat or Veſſel to be unloaded, if neceſſary, and to be removed in ſuch Manner as ſhall be proper for preventing ſuch Obſtruction in the Navigation, and to ſeize and detain ſuch Boat or Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Unloading and Removal are paid; and if any Boat or Veſſel ſhall be ſunk in the ſaid Canal, and the Owner or Owners, or the Perſon or Perſons having the Care of ſuch Boat or 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 to cauſe ſuch Boat or Veſſel to be weighed or drawn up, and to detain and keep the ſame till Payment be made of all Expences neceſſarily occaſioned thereby.

Perſons overloading and obſtructing the Paſſage of the ſaid Canal, &c. to forfeit.

XCI. And be it further enacted, That if any Perſon ſhall float any Timber upon the ſaid Canal, or ſhall ſuffer the Loading of any Boat or Veſſel to lie over the Sides thereof, or ſhall overload any Boat or other Veſſel navigating in or upon the ſaid Canal, ſo as by ſuch overloading to obſtruct the Paſſage of any other Boat or Veſſel, and ſhall not immediately, upon Notice given to the Owner or Perſon having the Care of ſuch Boat or Veſſel ſo obſtructing the Paſſage as aforeſaid, remove the ſame, ſo as to make a free Paſſage for other Boats or Veſſels, every ſuch Owner or Perſon floating ſuch Timber, or having the Care of ſuch Boat or Veſſel ſo obſtructing the Paſſage as aforeſaid, ſhall forfeit and pay, for every ſuch Offence, the Sum of Five Pounds; and if any Perſon ſhall throw any Ballaſt, Gravel, Stones, or Rubbiſh, into any Part of the ſaid Canal, every ſuch Perſon ſhall, for every ſuch Offence, forfeit a Sum not exceeding Five Pounds; which ſaid reſpective Forfeitures ſhall be paid to the ſaid Company of Proprietors, to be by them applied for the Purpoſes of this Act.

Penalty for throwing Ballaſt, &c. into the Canal.

Injuring Locks, Gates, &c.

XCII. And be it further enacted, That if any Perſon or Perſons, whomſoever ſhall wantonly, or through Careleſſneſs or Negligence open or cauſe to be opened any Lock or Clough belonging to the ſaid Canal, or ſhall, in ſuch Manner ſuffer any Boat or other Veſſel to ſtrike or run againſt any of the Bridges or Locks thereof, or, if any Perſon or Perſons ſhall wilfully flush or draw off the Water from any Part of the ſaid Canal, or ſhall leave any of the Cloughs open or running, after any Boat or other Veſſel ſhall have paſſed any Lock belonging to the ſaid Canal, or, if any Perſon or Perſons ſhall draw, or cauſe to be drawn, any Clough or Cloughs in the Lock Gates on the ſaid Canal, ſo as to miſpend or waſte the Water in ſuch Canal, or ſhall wilfully and maliciouſly do any other Act to the Prejudice of the ſaid Navigation, every ſuch Perſon ſo offending in any of the ſaid Particulars, and being thereof convicted before One or more Juſtice or Juſtices of the Peace for the Counties of *Warwick* and *Northampton* reſpectively, by the Oath of One or more Witneſs or Witneſſes, (which Oath ſuch Juſtice or Juſtices is and are hereby reſpectively impowered to adminiſter), ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding the Sum of Five Pounds, nor leſs than Twenty Shillings, at the Diſcretion of the ſaid Juſtice or Juſtices.

Regulation for Veſſels paſſing Locks.

XCIII. And be it further enacted, That every Boatman or other Perſon navigating any Boat or other Veſſel upon the ſaid Canal, through any Lock to be made thereon, ſhall, in going down the ſame, ſhut the lower Gates of ſuch Lock before he ſhall draw the Cloughs of the upper Gates thereof, and after he or they ſhall have brought his or their Boat or other Veſſel into the ſaid Lock, ſhall ſhut the upper Gates before he or they ſhall draw the Cloughs of the lower Gates thereof; and in all dry Seaſons, when there ſhall be a Scarcity of Water in the ſaid Canal, the Veſſel going up the ſame, if within Sight of and at a Diſtance not exceeding Three hundred Yards below the Lock, ſhall paſs through the ſame before the Veſſel coming down, and then the Veſſel next above ſuch Lock ſhall come down, and if there are more Veſſels than One below and One above any Lock at the ſame Time, and in ſuch dry Seaſons, within the Diſtance aforeſaid, (which Diſtance ſhall be diſtinguiſhed by a Poſt or Mark to be ſet up or made for that Purpoſe), ſuch Veſſels ſhall go up and come down at ſuch Lock by Turns as aforeſaid, until all the ſaid Veſſels going up or coming down ſhall have paſſed, by which Means One Lock full of Water may ſerve Two Veſſels; and if any Perſon ſhall act contrary to the Rules herein-before laid down, and ſhall be convicted thereof before any Juſtice of the Peace, upon the Oath of any credible Witneſs, as alſo the Maſter or other Perſon having the Command of ſuch Boat or Veſſel, ſhall forfeit the Sum of Forty Shillings.

Canal not to be under the Power of Commiſſioners of Sewers.

XCIV. And be it further enacted, That the ſaid Canal, or any Works whatſoever to be made by virtue of this Act, ſhall not be ſubject to the Controul, Direction, Survey, or Order, of any Commiſſioners of Sewers, or to any Law or Statute relating to Sewers; any Law or Statute to the contrary notwithſtanding.

Preſerving Rights of Lords of Manors.

XCV. Provided always, and be it further enacted, That nothing herein contained ſhall extend to defeat, prejudice, or affect, the Right of any Lord or Lords of any Manor or Manors, Common or Waſte Grounds, or of any Owner or Owners of any Lands or Grounds, in, upon, over, or through which the ſaid Canal, Towing Paths, Wharfs, Quays, Reſervoirs, Trenches, Sluices, Paſſages, Watercourſes, or Conveniencies as aforeſaid, or any of them, ſhall be made, to the Mines, Minerals, or Quarries, lying or being within or under the Lands or Grounds to be ſet out or made uſe of for ſuch Canal, Towing Paths, Wharfs, Quays, Reſervoirs, or other Conveniencies as aforeſaid, or any of them, but all ſuch Mines, Minerals, and Quarries, are hereby reſerved to ſuch Lord or Lords of ſuch Manor or Manors, or of ſuch Common or Waſte Grounds, or to ſuch Owner or Owners of ſuch Lands or Grounds reſpectively, their Heirs or Aſſigns, and that it ſhall be lawful for the Lord or Lords of ſuch Manor or Manors, Common or Waſte Grounds, or ſuch Owner or Owners of ſuch Lands or Grounds reſpectively, (ſubject to the Conditions and Reſtrictions herein contained), to work all ſuch Mines and Quarries, and to take and carry away all ſuch Coals, Iron, Stone, and Minerals, as ſhall be gotten therein, to his and their own Uſe, provided that in working ſuch Mines and Quarries no Injury be done to the ſaid Navigation; any Thing herein contained to the contrary notwithſtanding.

For preſerving Copyhold Rights.

XCVI. Provided always, and be it further enacted, That all Contracts, Agreements, Bargains, Sales, and Exchanges, of any Lands, Tenements, or Hereditaments, which are of the Nature of Copyhold, ſhall be executed and completed by Surrender thereof in the Courts of the Manors whereof the ſame are held, according to the Cuſtoms of ſuch Manors reſpectively, and ſhall remain, continue, and be ſubject, to ſuch and the ſame Fines, Rents, and Services, as are due and payable, or of Right accuſtomed, in ſuch and the ſame Manner as if this Act had not been made.

Rights of Lords of Manors and Land Owners to the Fiſheries.

XCVII. And be it further enacted, That the Lord or Lords, and the Owner and Owners of all and every Manor and Manors through which the ſaid intended Canal, Reſervoirs, Trenches, or Sluices, ſhall be made, ſhall have and be entitled to the ſole, ſeveral, and excluſive, Right of Fiſhery of and in ſo much of the ſaid Canal, Reſervoirs, Trenches, and Sluices, as ſhall be made over, upon, or through, the Common or Waſte Lands within his, her, or their Manor or Manors reſpectively, and alſo in, over, through, or upon, any other Lands or Grounds lying within ſuch Manor or Manors, where ſuch Lord or Lords, Owner or Owners, now have or hath, or are or is entitled to the Right of Fiſhery in the Pits, Ponds, and Waters, now being in ſuch laſt-mentioned Lands or Grounds reſpectively, and that the Owner or Owners of all other Lands or Grounds through which the ſaid Canal, or any ſuch Reſervoirs, Trenches, or Sluices, ſhall be made, ſhall alſo have and be entitled to the like ſole, ſeveral, and excluſive, Right of Fiſhery of and in ſo much of the ſaid Canal, Reſervoirs, Trenches, and Sluices, as ſhall be made in, over, through, or upon, his, her, or their Lands or Grounds reſpectively, ſo as in the Uſe and Exerciſe of the ſaid Right of Fiſhery no Prejudice be done to the ſaid Canal, Towing Paths, Banks, Reſervoirs, Trenches, Sluices, or other Works and Conveniencies, hereby authorized to be made, or any Water drained or exhauſted from or out of the ſaid Canal, Reſervoirs, or other Works, 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 of any Fiſh in the ſaid Canal, Reſervoirs, or other Works, which ſhall be taken, killed, or deſtroyed, through or by Means of the letting off the Water out of the ſaid Canal, Reſervoirs, or other Works, by uſing the ſame, or for or upon account of any Repairs or Works to be done in or about the ſame.

Perſons on Board having Nets, &c. not qualified, to forfeit 5*l.*

XCVIII. And be it further enacted, That if any Perſon navigating or working, or being on Board any Boat or other Veſſel upon the ſaid Canal, (not being qualified to kill Game), ſhall carry on Board and uſe any Fiſhing Net, Gun, Engine, or other Inſtrument, for taking or deſtroying Fiſh or Game, or in caſe any other Perſon (not qualified as aforeſaid) ſhall uſe any Net, Fiſhing Rod, or other Engine or Device, for taking or deſtroying the Fiſh in the ſaid Canal, Reſervoirs, Trenches, or Sluices, every ſuch Perſon, being thereof lawfully convicted, on the Oath of any credible Witneſs, before any Juſtice of the Peace for the County of *Warwick* or *Northampton*, ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds; and in caſe any Maſter or other Perſon having the Command or Care of any Boat or other Veſſel

Veſſel ſhall ſuffer or permit any Perſon (not being qualified as aforeſaid) to have, carry on Board, and make uſe of any Fiſhing Net, Gun, Engine or other Inſtrument for taking or deſtroying Fiſh or Game, and ſhall thereof be convicted as aforeſaid, before any Juſtice of the Peace for either of the ſaid Counties, he ſhall, for every ſuch Offence, forfeit and pay the Sum of Five Pounds.

Commiſſioners to give Notice of their Meetings.

XCIX. And be it further enacted, That no Meeting whatſoever of the ſaid Commiſſioners ſhall at any Time be holden for putting this Act in Execution, unleſs Fourteen Days previous Notice thereof, at the leaſt, ſhall be given in One of the *Birmingham* Newſpapers, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct or appoint, and every ſuch Notice ſhall ſpecify the Time and Place of ſuch Meetings reſpectively, and the ſeveral Matters and Things then and there propoſed to be done; and that every Meeting of the ſaid Commiſſioners to be holden by virtue of this Act ſhall be publick.

Commiſſioners to hold Meetings when requeſted.

C. And be it further enacted, That upon Application to be made by the ſaid Company of Proprietors, or any Five or more of them, or by the Owners or Occupiers of any Grounds, Lands, Tenements, or Hereditaments, to be affected by the ſaid intended Canal, or any of the Works neceſſary or relating thereto, unto the Commiſſioners appointed by virtue of this Act, or any Five or more of them, requeſting or deſiring them to appoint a General Meeting of the ſaid Commiſſioners, the Commiſſioners ſo requeſted or applied to, or any Five or more of them, may and ſhall, and they are hereby reſpectively authorized and required, within Seven Days after ſuch Requeſt or Application made, to give Notice, in Manner aforeſaid, of a General Meeting to be held at ſuch Time and Place as ſhall be ſpecified in ſuch Notice, ſuch Time not being leſs than Fourteen Days, nor more than Twenty-one Days from the Day on which ſuch Requeſt ſhall be made to them as aforeſaid; and the ſaid Commiſſioners, or any Five or more of them, are hereby authorized and required to aſſemble at the Time and Place ſo to be appointed, in order to put this preſent Act, and the Powers and Authorities hereby given to and veſted in them, in Execution, and ſhall then adjourn themſelves, and afterwards meet at ſuch Time and Place as they the ſaid Commiſſioners there aſſembled, or any Five or more of them, ſhall think proper and convenient; and if it ſhall happen that there ſhall not appear at any of the Meetings of the ſaid Commiſſioners a ſufficient Number of Commiſſioners to act, 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 Place where the laſt Meeting of the ſaid Commiſſioners was appointed to be held, on that Day Fortnight next after the Day on which the laſt Meeting was appointed.

Power to hold Special Meetings for aſcertaining Damages.

CI. Provided always, and be it further enacted, That it ſhall be lawful for any Five or more of the ſaid Commiſſioners, and they are hereby impowered, although they ſhall not be aſſembled at a Meeting to be held by virtue of this Act, from Time to Time and at any Time upon ſuch Requeſt made as aforeſaid, by Notice in Writing ſigned by them, and publiſhed in Manner aforeſaid, to ſummon a Meeting of the ſaid Commiſ-

Commiſſioners, at ſuch Time and Place as ſhall be mentioned in ſuch Notice, for the ſettling and aſcertaining ſuch Damages as are herein directed to be ſettled and aſcertained, notwithſtanding any Adjournment or Non-adjournment of the ſaid Commiſſioners.

No Meeting to be held but within Five Miles of the Canal.

CII. And be it further enacted, That every Meeting of the ſaid Commiſſioners for hearing and 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 Five Miles of ſome Part of the ſaid Canal; and that no Order or Determination ſhall be made at any of their Meetings to be holden in purſuance of this Act, unleſs the Majority of the Commiſſioners preſent at ſuch Meeting ſhall concur therein, ſuch Majority not being leſs than the reſpective Numbers hereby authorized to make ſuch Orders or Determinations.

For recovering Lands in caſe the Canal ſhall not be completed, or ſhall be diſuſed.

CIII. And be it further enacted, That if the ſaid Company of Proprietors ſhall be in the Poſſeſſion of any Lands or Grounds, by virtue of this Act, for the Space of Ten Years, without making the ſaid intended Canal through the ſame, or if the ſaid intended Canal ſhall be made and completed, and afterwards diſcontinued or diſuſed for the Space of Ten 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 Perſons, or 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 ſhall 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 judge reaſonable, and in caſe any Difference ſhall happen in aſcertaining thereof by the ſaid Commiſſioners, then as a Jury, to be impannelled in Manner herein-before directed, ſhall aſcertain or award to be paid for the ſame, but no ſuch Conſideration, to be aſcertained by ſuch Commiſſioners, or to be awarded by ſuch Jury as aforeſaid, ſhall 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 of Proprietors, upon the Payment or Tender of ſuch Conſideration as aforeſaid, ſhall refuſe or neglect to convey the Lands or Grounds as aforeſaid, then and in ſuch caſe ſuch Lands or Grounds ſhall revert to, and be from thenceforth veſted in the ſeveral and reſpective Perſons, Bodies Politick, Corporate, or Collegiate, their Heirs, Succeſſors, or Aſſigns; and in caſe any Annual Rents ſhall have been made payable for the ſaid Lands or Grounds, then ſuch Rents ſhall ceaſe and determine, and ſuch Sum or Sums of Money ſhall be paid for the Damages done to the ſaid Lands or Grounds, by the ſaid Company of Proprietors, to the reſpective Perſons, Bodies Politick, Corporate, or Collegiate, or their Heirs, Succeſſors, or Aſſigns, to whom ſuch Lands or Grounds ſhall be re-conveyed or revert as aforeſaid, as the ſaid Commiſſioners or Jury reſpectively ſhall aſcertain or award as aforeſaid, ſuch Sum or Sums of Money, in Default of Payment at the Time to be fixed by ſuch Commiſſioners or Jury reſpectively, to be recovered in ſuch Manner as any other Damages are to be recovered from the ſaid Company of Proprietors by virtue of this Act.

Compelling Subſcribers to pay.

CIV. And be it further enacted, That the ſeveral and reſpective Perſons herein-before named, and united into a Company of Proprietors for making the ſaid Canal and other Works as aforeſaid, ſhall and are hereby ſeverally required to pay the reſpective Sums by them ſubſcribed to be advanced towards making and completing the ſaid Canal and other Works, or ſuch Parts or Proportions of ſuch Sums as ſhall from Time to Time be called for by the ſaid Company of Proprietors, or the Committee for the Time being, by virtue of the Powers and Directions of this Act, and alſo, that all Perſons who may hereafter ſubſcribe and agree to advance and pay any Money for the Purpoſes aforeſaid, or conſent to be Members of the ſaid Company, are hereby required to pay the Sum or Sums of Money which ſhall be by them reſpectively ſubſcribed to be advanced, or ſuch Parts or Proportions thereof as ſhall from Time to Time be called for by the ſaid Company of Proprietors, or the Committee for the Time being, by virtue of the Powers and Directions of this Act; and in caſe any of the ſaid ſeveral and reſpective Perſons who have already ſubſcribed, or who ſhall hereafter ſubſcribe to advance and pay any Sum or Sums of Money as aforeſaid, or conſent to be Members of the ſaid Company, ſhall neglect or refuſe to pay the ſame, or the Proportions of their reſpective Shares in the ſaid Undertaking, at ſuch Time or Times as ſhall be required by the ſaid Company of Proprietors, or the Committee for the Time being as aforeſaid, that then it ſhall be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame in any Court of Law or Equity.

Recovery and Application of Penalties.

CV. And be it further enacted, That all Penalties and Forfeitures for Offences againſt this Act, or againſt any Rule, Order, or Bye Law, of the ſaid Company of Proprietors, to be made in purſuance thereof, for the levying and recovering or applying whereof no particular Mode is herein-before directed, ſhall upon Proof of the Offences reſpectively before any Juſtice of the Peace for the Counties of *Warwick* or *Northampton*, as the Caſe may be, either by Confeſſion of the Party or Parties, or by the Oath of any credible Witneſs, (which Oath ſuch Juſtice is hereby impowered and required to adminiſter without Fee or Reward), be levied by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of ſuch Juſtice, (which Warrant ſuch Juſtice is hereby impowered to grant), and the Overplus, after ſuch Penalties and Forfeitures, and the Charges of ſuch Diſtreſs and Sale, are deducted, ſhall be returned, upon Demand, to the Owner or Owners of ſuch Goods and Chattels; and in caſe ſufficient Diſtreſs cannot be found, or ſuch Penalties or Forfeitures ſhall not be forthwith paid, it ſhall be lawful for ſuch Juſtice, by Warrant under his Hand and Seal, to cauſe ſuch Offender or Offenders to be committed to the Common Gaol for the County of *Warwick* or *Northampton*, as the Caſe may be, there to remain, without Bail or Mainprize, for ſuch Time as ſuch Juſtice ſhall direct, not exceeding Two Calendar Months, unleſs ſuch Penalties or Forfeitures, and all reaſonable Charges attending the ſame, ſhall be ſooner paid and ſatisfied; and ſuch Penalties and Forfeitures, when recovered or received, ſhall be paid to the Treaſurer to the ſaid Company of Proprietors for their Uſe.

Proceedings not to be quashed for Want of Form.

CVI. And be it further enacted, That no Proceedings to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Law or Statute to the contrary notwithstanding.

Damages not provided for to be settled by Commissioners.

CVII. 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 other Damages herein-before mentioned are provided for.

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

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* late of is convicted before me, *C. D.* One of His Majesty's Justices of the Peace for the County of *Warwick*, [*or, Northampton, as the Case may be, specifying the Offence, and the Time and Place when and where the same was committed.*] Given under my Hand and Seal the Day and Year aforesaid.'

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

CIX. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings, or any Irregularity 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 or Actions upon the Case, unless a Tender of sufficient Satisfaction for such special Damage shall have been made to such Person or Persons previous to the Commencement of such Action or Actions; and in case it shall appear on the Trial of such Action or Actions, that a Tender of sufficient Damages was made previous to the Commencement of such Action or Actions, then, and in such Case, the Jury impannelled to try such Action or Actions shall find their Verdict or Verdicts for the Defendant or Defendants, who shall be entitled to their Double Costs, which he, she, or they, shall and may recover in the usual Way that Costs are recovered by Law.

CX. Provided

Appeal to Quarter Seſſions.

CX. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves, aggrieved by any Thing done in purſuance of this Act, every ſuch Perſon or Perſons may, within Six Calendar Months after the doing thereof, appeal to the Juſtices of the Peace at the General Quarter Seſſions to be holden in and for the County in which the Cauſe of Appeal ſhall ariſe, and not elſewhere; and the ſaid Juſtices, in their ſaid Quarter Seſſions, ſhall, in a ſummary Way, either hear and determine the ſaid Complaint, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be held for the ſaid County, and then hear and determine the ſame, and if they ſee Cauſe, may mitigate any Fine, Penalty, or Forfeiture, in ſuch Manner as they ſhall think proper, and award ſuch Coſts to either of the Parties as they ſhall judge reaſonable.

The *Oxford* Company to take Tolls on Goods, &c. navigated on the *Oxford* Canal out of the intended Canal:

CXI. And whereas, the making the ſaid intended Canal may be injurious to the Company of Proprietors of the *Oxford* Canal Navigation, unleſs Proviſion be made for preventing any ſuch Injury; be it therefore enacted, That it ſhall be lawful for the Company of Proprietors of the ſaid *Oxford* Canal Navigation to aſk, demand, take, and receive, to and for their own proper Uſe and Behoof, (over and above all the Rates of Tonnage or Duties which they were, are, or ſhall be, entitled to), for or in reſpect of any Coals, Goods, Merchandize, or other Things, navigated or paſſing in or upon any Part of the ſaid *Oxford* Canal, by virtue of any Act or Acts of Parliament now in force, (except as herein-after is excepted), the Rates or Duties herein-after mentioned; (that is to ſay),

For all Coals which ſhall be navigated out of the intended Canal into the *Oxford* Canal, the Sum of Two Shillings and Nine-pence *per* Ton; and ſo in Proportion for a leſs Quantity than a Ton:

For all other Goods, Wares, Merchandize, and Things, (except Lime and Limeſtone, and Manure), which ſhall be navigated out of the ſaid intended Canal into the ſaid *Oxford* Canal, or out of the ſaid *Oxford* Canal into the ſaid intended Canal, (except ſuch as ſhall be *bonâ fide* navigated from the *Coventry* Canal, or from any intermediate Place between the ſaid *Coventry* Canal and the ſaid intended Canal, into the ſaid intended Canal), the Sum of Four Shillings and Four-pence *per* Ton; and ſo in Proportion for a leſs Quantity than a Ton:

For all Lime and Limeſtone, which ſhall paſs out of the ſaid intended Canal into the ſaid *Oxford* Canal, the Sum of Sixpence *per* Ton; and ſo in Proportion for a leſs Quantity than a Ton.

But not to take any more Tonnage for Coals or Goods going out of intended Canal into *Grand Junction* Canal, or *vice verſa*.

CXII. Provided nevertheleſs, and be it further enacted, That no further or other Rates or Duties than the reſpective Sums herein-before particularly granted to the Company of Proprietors of the *Oxford* Canal Navigation, ſhall be paid or payable to them, for or in reſpect of any Coals, Goods, Merchandize, or other Things, (except Lime and Limeſtone, not paſſing immediately from the intended Canal to and upon the *Grand Junction* Canal), which ſhall be navigated or conveyed from and out of the ſaid intended Canal, along the ſaid *Oxford* Canal, immediately

unto and into the ſaid *Grand Junction* Canal, or out of the ſaid *Grand Junction* Canal along the *Oxford* Canal, immediately unto and into the ſaid intended Canal, or from and out of the ſaid intended Canal, along the *Oxford* Canal, to or towards the *Coventry* Canal, and upon no other Part of the *Oxford* Canal; but nothing herein contained ſhall prejudice, leſſen, or defeat, the Right of the Company of Proprietors of the *Oxford* Canal to have and receive all Rates and Duties, which are not varied and compenſated for by this Act.

To prevent the Evaſion of Tonnage.

CXIII. And, in order to prevent any Evaſion of the Rates or Duties herein-before granted to the Company of Proprietors of the *Oxford* Canal Navigation, be it further enacted, That if any Coals, or other Goods, Wares, Merchandize, or Things, which ſhall be navigated on any Part of the ſaid intended Canal, or the ſaid *Grand Junction* Canal, or the ſaid *Oxford* Canal, ſhall be removed or conveyed from any or either of the ſaid Canals to any other Place or Places on or near to any or either of the ſaid Canals, or to any Place or Places between the Lines of the ſaid intended Canal and the ſaid *Oxford* Canal, and then, or at any Time afterwards put into any Boat or other Veſſel on any other Part of the *Grand Junction* Canal, or of the *Oxford* Canal, or of the ſaid intended Canal; or if any Coals, Goods, Wares, Merchandize, or other Things, which ſhall be navigated on any Part of the *Grand Junction* Canal, or of the *Oxford* Canal, or the ſaid intended Canal, ſhall be mediately or immediately removed or conveyed from any or either of ſuch Canals acroſs any or either of the other of the ſaid Canals, in order or with an Intent to avoid the Payment of any Rates or Duties herein-before granted or made payable to the Company of Proprietors of the *Oxford* Canal Navigation; or if any other Act or Thing whatſoever ſhall be done in order or with Intent to avoid Payment of any of the ſaid Rates or Duties, every Perſon ſo removing or conveying, or putting into any Boat or other Veſſel any ſuch Coals, Goods, Wares, Merchandize, or other Things as aforeſaid, or cauſing or procuring the ſame to be done, or doing, or cauſing, or procuring to be done, any other Act or Thing, in order or with Intent to avoid Payment of any of the ſaid Rates or Duties as aforeſaid, ſhall forfeit and pay to the Company of Proprietors of the *Oxford* Canal Navigation the Sum of Five Pounds for every ſuch Offence, and alſo the Amount of the Rates or Duties which would have been payable to them if ſuch Coals, Goods, Wares, Merchandize, or other Things, ſo removed or conveyed, had been fairly navigated and conveyed into, from, or upon, the ſaid *Oxford* Canal according to the true Meaning of this Act.

Tonnage to be paid within Six Miles of the Junction, or as ſhall be appointed.

CXIV. And be it further enacted, That all the ſaid Rates or Duties herein-before made payable to the ſaid Company of Proprietors of the *Oxford* Canal Navigation, ſhall be paid to ſuch Perſon or Perſons, at the Toll Houſe or Toll Houſes herein-after mentioned, or at ſuch other Place or Places, near to the ſaid intended Canal, within Six Miles of the Junction thereof with the *Oxford* Canal, or at ſuch Place or Places near to the ſaid *Oxford* Canal, and at ſuch Time or Times, and in ſuch Manner, and under ſuch Regulations, as the ſaid Company of Proprietors of the ſaid *Oxford* Canal ſhall, from Time to Time, direct or appoint, and ſuch Perſon or Perſons ſhall have the like Powers and Authorities for collecting

and recovering Payment of ſuch Rates or Duties as are by any Act or Acts of Parliament already made, given to the Company of Proprietors of the *Oxford* Canal Navigation, or any Perſon acting under their Authority, for collecting or recovering any other Rates or Duties granted to them, or as are by this Act given to the Company of Proprietors of the intended Canal, for collecting or recovering any of the Rates or Duties hereby granted.

A Stop Gate to be erected within Six Miles of the Junction.

CXV. And, for the better collecting the Rates or Duties herein-before made payable to the Company of Proprietors of the *Oxford* Canal Navigation, and the more effectually to prevent the Payment thereof from being evaded, be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors of the *Oxford* Canal Navigation, at any Time or Times, to cauſe ſuch Stop Gate or Stop Gates, Bar or Bars, to be put or placed upon or acroſs the ſaid intended Canal, at ſuch Place or Places, within the Diſtance of Six Miles from the Junction thereof with the ſaid *Oxford* Canal, as they ſhall think proper, and alſo ſuch Toll Houſe or Toll Houſes of ſuch reaſonable and proper Size and Conſtruction as they ſhall think fit, for the Uſe of the Collector or Collectors of the Rates or Duties made payable to them as aforeſaid, to be erected at or near the Side of the ſaid intended Canal, as near to the ſaid Stop Gate or Stop Gates, Bar or Bars, as conveniently may be; and the ſaid Company of Proprietors of the *Oxford* Canal Navigation are hereby inveſted with the like Powers and Authorities, for purchaſing Lands on which to erect ſuch Toll Houſe or Toll Houſes, as are given to the Company of Proprietors of the ſaid intended Canal by this preſent Act, for purchaſing Lands through which the ſaid intended Canal may paſs, and the Owners or Proprietors of ſuch Lands are hereby impowered to convey the ſame to the ſaid Company of Proprietors of the *Oxford* Canal, as fully as any incapacitated Perſons are by this Act impowered to convey Land for the Purpoſes of the ſaid intended Canal; and the Charges and Expences of firſt making, and putting up or placing of One ſuch Stop Gate or Bar, and of firſt erecting One ſuch Toll Houſe, and the purchaſing of Land neceſſary and convenient to erect the ſame upon, (at the Election of the Company of Proprietors of the ſaid *Oxford* Canal), ſhall be reimburſed to the ſaid Company of Proprietors of the *Oxford* Canal Navigation, by the Company of Proprietors of the ſaid intended Canal, within Three Calendar Months after Demand made thereof, by any Clerk or Agent of the ſaid Company of Proprietors of the ſaid *Oxford* Canal Navigation, to any Committee, or any Clerk or Agent of the Company of Proprietors of the ſaid intended Canal (an Account of the Particulars of ſuch Charges and Expences being firſt delivered by the Perſon making ſuch Demand to the Committee, or Perſon to whom the ſame ſhall be made), and in Default of Payment thereof, the ſame ſhall and may be recovered by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*.

Boat Owners, &c. to give an Account of Goods on Board, from whence brought, and where bound to.

CXVI. And be it further enacted, That the Maſter, Owner, or other Perſon having the Care of any Boat or other Veſſel navigating upon any Part of the ſaid intended Canal within Six Miles from the Junction thereof with the ſaid *Oxford* Canal, ſhall give to the ſaid Collector or Collectors, or to any other Officer or Officers to be by the ſaid Company of Pro-

prietors of the *Oxford* Canal Navigation appointed for such Purpose, at such Toll House or Toll Houses, or at any Place or Places where he or they shall attend for that Purpose, a just and true Account in Writing of the Quantities and Weight of such Coals, Goods, Wares, Merchandize, and other Things, of the Nature, Sort, or Kind thereof, which shall be contained in or upon such Boat or other Vessel, and from whence brought, and where the same are intended to be landed; and in case any such Person shall refuse or wilfully neglect to give such Account to the Officer demanding the same, or shall, with Intent to avoid the Payment of the said Rates or Duties hereby granted to the Company of Proprietors of the said *Oxford* Canal, or any Part thereof, give a false Account, or deliver any Part of such Lading at any other Place or Places than what is or are mentioned in such Account, every Person so offending shall forfeit and pay to the said Company of Proprietors of the said *Oxford* Canal Navigation the Sum of Ten Shillings for every Ton of Coals, Goods, Wares, Merchandize, or other Things, and so in Proportion for any less Quantity than a Ton, which shall be in or be conveyed by any such Boat or other Vessel, and also the Amount of the Rates or Duties which would have been payable for such Coals, Goods, Wares, Merchandize, or other Things, to the said Company of Proprietors of the said *Oxford* Canal, in case the same had been navigated or conveyed from the intended Canal into or upon the said *Oxford* Canal; and such Collector or Collectors, or other Persons, shall have the like Powers and Authorities, and shall be subject to the like Rules and Orders, as are given to the Collectors of the Rates or Duties payable to the said Company of Proprietors of the said intended Canal for the stopping and detaining any Boat or Vessel, and for weighing, measuring, or gauging, any Goods, Wares, and Merchandize, as shall be therein contained, and the several other Powers, Authorities, and Provisions, contained in certain Acts of the Ninth, Fifteenth, and Twenty-sixth Years of the Reign of His present Majesty, or any or either of them, for making and maintaining the said *Oxford* Canal, and also in this present Act, with respect to the ascertaining, enforcing, collecting, and levying, the Tolls, Rates, Duties, and Penalties, granted and made payable, shall be applied and enforced for the Purpose of ascertaining, collecting, and levying, the Tolls, Rates, Duties, and Penalties hereby granted and made payable to the said Company of Proprietors of the said *Oxford* Canal Navigation.

Goods, &c. navigated on the intended Canal only not to pay any Tonnage to the *Oxford* Company.

CXVII. Provided always, and it is hereby enacted and declared, That nothing in this Act shall extend, or be construed to extend, to authorize or impower the said Company of Proprietors of the *Oxford* Canal to have, take, demand, or receive, any Tolls, Rates, or Duties whatsoever, for or in respect of any Coals, Goods, Wares, Merchandize, or other Things whatsoever, which shall or may be conveyed upon or along the said intended Canal, or any Part or Parts thereof, and shall not enter into, or come out of or across the said *Oxford* Canal, or be liable to either of the Penalties in the Cases last aforesaid.

*Willoughby Wharf* guaranteed.

CXVIII. Provided also, and be it further enacted, That if, after the said intended Canal shall be completed or made use of, it shall appear in any Year, (to be computed from the Day any Boat or other Vessel shall first

firſt paſs from the intended Canal in or upon the *Oxford* Canal, or from the *Oxford* Canal, into or upon the intended Canal), that the Quantity or Number of Tons of Coals, navigated along the ſaid *Oxford* Canal, and laid down annually at a certain Wharf on the ſaid *Oxford* Canal, called *The Willoughby Wharf*, ſhall not amount to Three hundred and twenty-four Tons, then, and in every ſuch Caſe, and ſo often, the Company of Proprietors of the ſaid intended Canal ſhall pay to the ſaid Company of Proprietors of the ſaid *Oxford* Canal Navigation the Sum of Two Shillings and Nine-pence *per* Ton for every Ton of Coals which the Quantity in ſuch Year navigated upon the ſaid *Oxford* Canal, and laid down at the ſaid Wharf, ſhall be leſs than Three hundred and twenty-four Tons.

If a Reducton of the Tonnage on the *Oxford* Canal North of *Braunſton* ſhall be made, then the Tonnages hereby granted to the *Oxford* Company ſhall be reduced in Proportion.

CXIX. Provided always, and be it further enacted, That if at any Time hereafter the Tonnage on Coals, or any other Goods, Wares, Merchandize, or Things, (except Lime and Limeſtone), which ſhall be navigated, carried, or conveyed, from the Junction of the *Oxford* Canal with the *Coventry* Canal, to the reſpective Junctions of the ſaid *Oxford* Canal with the ſaid *Grand Junction* Canal, and the intended Canal, or from ſuch reſpective Junctions of the ſaid *Oxford* Canal, with the ſaid *Grand Junction* Canal, and the intended Canal, ſhall hereafter by any Means be lowered or reduced below the ſaid reſpective Sums of Two Shillings and Nine-pence *per* Ton on Coals, and Four Shillings and Four-pence *per* Ton on any other Goods, Wares, Merchandize, or Things, then, and in every ſuch Caſe the ſaid Tonnage of Two Shillings and Nine-pence *per* Ton on Coals, and Four Shillings and Four-pence *per* Ton on ſuch other Goods, Wares, Merchandize, and Things, hereby granted to the ſaid Company of Proprietors of the ſaid *Oxford* Canal, and the Satisfaction herein-before directed to be paid in reſpect of the *Willoughby Wharf* aforeſaid, ſhall likwiſe be lowered and reduced in an equal Degree, to all Intents and Purpoſes whatſoever, for ſuch Time, and on ſuch Articles only, whereon any ſuch Lowering or Reduction of ſuch Tonnage ſhall have taken place as aforeſaid; any Thing contained in this Act, or any other Act of Parliament, or any Law or Uſage, to the contrary notwithſtanding.

Top Water to be kept Six Inches higher than the *Oxford* Canal at the Junction, according to the preſent Firſt Lock Weir on the Canal North of *Braunſton*; and Stop Lock to be erected.

CXX. And, in order to prevent any Water being drawn or taken out of the ſaid *Oxford* Canal, into the ſaid intended Canal, at the Place of their Junction; be it further enacted, That before any Boat, Barge, or other Veſſel, ſhall be permitted to paſs from the ſaid intended Canal, into or upon the ſaid *Oxford* Canal, or from the ſaid *Oxford* Canal into or upon the ſaid intended Canal, a Stop Lock ſhall be, by and at the Expence, Coſts, and Charges, of the Company of Proprietors of the ſaid intended Canal, erected, and for ever thereafter ſupported, repaired, and maintained, on the ſaid intended Canal, at or as near as may be to the Place where the ſame will join the ſaid *Oxford* Canal, of ſuch Form and Dimenſions, and in ſuch Manner, as that the Top Water on the Summit of the ſaid intended Canal ſhall at all Times be ſupported and kept Six Inches higher than the Top Water in the *Oxford* Canal, at the Place where the ſaid intended Canal and the ſaid *Oxford* Canal ſhall join, according to the preſent Firſt Lock Weir on ſuch Canal North of *Braunſton* aforeſaid; and that ſome Perſon ſhall, from Time to Time, be ap-

pointed by the ſaid Company of Proprietors of the ſaid *Oxford* Canal to be Keeper of ſuch Stop Lock, who ſhall have the Management thereof, and any ſuch Perſon may be removed by the Company of Proprietors of the ſaid *Oxford* Canal Navigation, at their Will and Pleaſure, and another appointed in his Stead, and a reaſonable Annual Salary ſhall be paid to every ſuch Lock Keeper, by the Company of Proprietors of the ſaid intended Canal; and if at any Time or Times ſuch Top Water on the Summit of the ſaid intended Canal ſhall not be Six Inches higher than the ſaid Top Water of the ſaid *Oxford* Canal, at the ſaid Place of Junction, according to the preſent Firſt Lock Weir on ſuch Canal North of *Braunſton* aforeſaid, then no Boat, Barge, or other Veſſel, ſhall paſs into the ſaid *Oxford* Canal from the ſaid intended Canal, or into the ſaid intended Canal from the ſaid *Oxford* Canal, until ſuch Top Water, on the ſaid intended Canal ſhall be again raiſed to the ſaid Height of Six Inches above the Top Water in the ſaid *Oxford* Canal, according to the preſent Firſt Lock Weir on ſuch Canal North of *Braunſton* aforeſaid, without the Conſent of the Company of Proprietors of the ſaid *Oxford* Canal; any Thing in this Act contained to the contrary notwithſtanding.

Tonnages granted to the *Oxford* Company to go in Aid of the Guarantee-ſhip.

CXXI. And whereas, by virtue of an Act of the laſt Seſſion of Parliament for making the *Grand Junction* Navigation certain Rates are granted and made payable to the Company of Proprietors of the *Oxford* Canal Navigation; and in caſe ſuch Rates, together with certain other Rates ariſing to the Company of Proprietors of the *Oxford* Canal Navigation, as therein mentioned, ſhall not amount to the Yearly Sums of Five thouſand Pounds and Ten thouſand Pounds, in the reſpective Caſes therein ſpecified, the Company of Proprietors of the *Grand Junction* Canal are anſwerable to the ſaid Company of Proprietors of the *Oxford* Canal Navigation for the Deficiency: Be it therefore further enacted, That the Rates or Duties by this Act granted and made payable to the Company of Proprietors of the *Oxford* Canal Navigation, (except of Lime and Limeſtone), as far as the ſame ſhall ariſe and be payable in reſpect of any Coals, Goods, Wares, and Merchandize, paſſing from the intended Canal into the ſaid *Oxford* Canal, and from thence into the *Grand Junction* Canal, and of ſuch Goods, Wares, and Merchandize, paſſing from the ſaid *Grand Junction* Canal into the ſaid *Oxford* Canal, and from thence into the ſaid intended Canal, ſhall be deemed and taken, and are hereby declared to be Part of the Rates or Duties for making up the ſaid reſpective Yearly Sums of Five thouſand Pounds and Ten thouſand Pounds, and ſhall for that Purpoſe be added to and go in Aid of the other Rates herein-before mentioned to be payable and ariſing to the Company of Proprietors of the *Oxford* Canal Navigation.

*Oxford* Company impowered to reduce the Tonnages, and raiſe them again.

CXXII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Company of Proprietors of the *Oxford* Canal Navigation, from Time to Time, to leſſen or reduce all or any of the Rates or Duties hereby, or by any other Act or Acts of Parliament, granted and made payable to them, and again from Time to Time to advance and raiſe all or any of the ſaid Rates or Duties ſo leſſened, ſo as not to exceed the Rates or Duties ſo granted and made payable, and ſo that no Reduction of the ſaid Rates or Duties which may operate to leſſen the Produce of the ſaid Yearly Sums of Five thouſand Pounds and Ten thouſand

thouſand Pounds, be made without the Conſent of the Company of Proprietors of the *Grand Junction* Canal, under their Common Seal; and in caſe any ſuch Reduction ſhall operate to leſſen the Produce of the ſaid ſeveral Sums of Five thouſand Pounds and Ten thouſand Pounds, the ſaid Company of Proprietors of the ſaid *Oxford* Canal ſhall, and they are hereby required again to advance and raiſe ſuch Rates or Duties, as ſoon as may be after they ſhall be thereunto requeſted, by Writing under the Common Seal of the ſaid *Grand Junction* Canal Company.

Bridges to be built over the *Oxford* Canal for Horſes, &c. haling Boats, &c. to paſs over.

CXXIII. Provided always, and be it further enacted, That it ſhall and may be lawful to and for the Company of Proprietors of the ſaid intended Canal to erect, build, and ſupport, a convenient Bridge or Bridges over and acroſs the ſaid *Oxford* Canal, and the Towing Path thereof, at *Braunſton* aforeſaid, in ſuch Manner that Horſes or other Beaſts of Draft, which ſhall or may be employed in haling or drawing Boats or other Veſſels out of the ſaid intended Canal into and along the *Oxford* Canal and *Grand Junction* Canal aforeſaid, and out of thoſe Canals, or either of them, into and along the ſaid intended Canal, may paſs and go over commodiouſly and without Interruption, ſo that a Towing Path of the clear Breadth of Four Feet is left for the Uſe of the *Oxford* Canal and *Grand Junction* Canal, and ſo that in and by the erecting and building of ſuch Bridge or Bridges the Trade and Commerce along the ſaid *Oxford* Canal and *Grand Junction* Canal is not delayed or interrupted.

Limitation of Actions.

CXXIV. And be it further enacted, That if any Action, Suit, or Information, ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, or in the Execution of the Powers and Authorities, or the Orders and Directions herein-before given or granted, every ſuch Action, Suit, or Information, ſhall be brought or commenced within Six Calendar Months next after the Fact committed, or in caſe there ſhall be a Continuation of Damages, then within Six Calendar Months next after the doing or committing ſuch Damages ſhall have ceaſed, and not afterwards, and ſhall be laid and brought in the County where the Matter in Diſpute 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 thereon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to be ſo done, or if any Action, Suit, or Information, ſhall be brought after the Time before 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, Suit, or Information, after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer or otherwiſe Judgement ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the ſame as any Defendant hath for Coſts of Suit in other Caſes by Law.

Treble Coſts.

Publick Act. CXXV. 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 thereof as ſuch, without ſpecially pleading the ſame.

FINIS.