ANNO TRICESIMO QUARTO

# Georgii III. Regis.

## CAP. XXXIX.

An Act for making a Navigable Canal from or near *Porthywain* Lime Rocks, in the Pariſh of *Llanyblodwell*, in the County of *Salop*, to or near *Newtown*, in the County of *Montgomery*; and alſo certain Collateral Cuts from the ſaid Canal.

[28th *March* 1794.]

Preamble.

WHEREAS the making and maintaining a Canal for the Navigation of Boats and other Veſſels from or near *Porthywain* Lime Rocks, in the Pariſh of *Llanyblodwell*, in the County of *Salop*, by the Town of *Pool*, and the Village of *Berriew*, to or near to the River *Severn*, at the Town of *Newtown*, in the County of *Montgomery*; and alſo certain Collateral Cuts, herein-after deſcribed, from ſuch Canal, will open Communications with ſeveral conſiderable Quarries of Lime Stone, Freeſtone, and Slate, and Mines of Coal, Lead Ore, and other Minerals, and will, in other Reſpects, be of great publick Utility; but the ſame cannot be effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *George Baker*, *George Baxter* Clerk, *Jane Baxter*, *William Baxter*, *Samuel Yate Benyon*, *Arthur Blayney*, *Evan Bowen*, *William Brown* Clerk, *Thomas Brown*, *Pryce Buckley*, *Aaron Bywater*, *John Palmer Chicheſter*, Proprietors.

the Right Honourable *Edward* Lord *Clive* in the Kingdom of *Ireland*, *Thomas Colley*, *Robert Corbett*, *Philip Wyatt Crowther*, *Ann Davies*, *Pryce Davies*, *Thomas Dadford*, *Richard Edmunds*, *John Edwards*, *Susannah Edwards*, *Edmund Edye*, *Thomas Evans*, *Henry Foulkes*, *Ambrose Gethyn*, *George Gould*, *Robert Griffiths*, *Athelustan Hamer*, *John Herbert*, *George Hodson*, *John Home*, *Samuel Home*, *Charles Gardiner Humphreys*, *David Jones*, *Evan Jones*, *Humphry Jones*, *John Lloyd Jones*, *Mathew Jones*, *Oliver Jones*, *Robert Jones*, *Thomas Jones* Clerk, *Thomas Jones* Surgeon, *Thomas Jones* of *Lymore*, *Thomas Jones* at *Garth*, *Richard King* Clerk, *Whitshea Keene*, Sir *Edward Lloyd* Baronet, *Edward Pryce Lloyd*, *Joseph Lyon*, *Maurice Lloyd*, *Devereux Mytton*, *Arthur Davies Owen*, *Pryce Owen*, *Margaret Parry*, *Martha Parry*, the Right Honourable *George Edward Henry Arthur* Earl of *Powis*, *Clopton Prhys*, *Henry Proctor*, *John Probert*, *John Pryce* Clerk, *Catherine Pugh*, *John Pugh*, *William Pugh*, *Evan Stephens*, *Maurice Stephens*, *Thomas Sturkey*, *Henry* Lord Viscount *Tracy* in the Kingdom of *Ireland*, *Richard Tudor*, *James Turner*, *William Turner*, *John Williames* the elder, *John Williames* the younger, *John Williams*, *Martha Williams*, *John Winder*, and Sir *Watkin Williams Wynn* Baronet, and their several and respective Successors, Executors, Administrators, and Assigns, together with such other Person or Persons, Bodies Politick, Corporate, or Collegiate, as they, or the major Part of them who shall be assembled at the First General Meeting, to be held as herein-after mentioned, shall nominate and appoint, by Writing under their Hands and Seals, shall be, and hereby are united into a Company for the carrying on, making, completing, and maintaining, the said intended Canal and Collateral Cuts, according to the Rules, Orders, and Directions, herein-after expressed, and shall for that Purpose be One Body Politick and Corporate, by the Name and Style of *The Company of Proprietors of the* Montgomeryshire *Canal*, 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 have Power and Authority to purchase and hold Lands and Hereditaments to them and their Successors and Assigns, for the Use of the said Navigation and Works hereby authorized to be made, and to sell the said Lands and Hereditaments, or any Part thereof again, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and the said Company of Proprietors shall be, and hereby are authorized and impowered by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make and complete a Canal, to be called *The* Montgomeryshire *Canal*, navigable and passable for Boats, Barges, and other Vessels, from or near *Porthywain* Lime Rocks, or Lime Stone Quarries, in the Parish of *Llanyblodwel* aforesaid, to the Town of *Pool* aforesaid, and from thence by *Berriew* and *Garthmil*, to or near the River *Severn*, opposite to the East Side of the Town of *Newtown* aforesaid; and also to make a Collateral Cut for the Navigation of Boats, Barges, and other Vessels, to branch from and out of the said intended Canal, at or near *Porthywain* aforesaid, to or near *Llanymynech* Lime Rocks, or Lime Stone Quarries, in the County of *Salop*; and likewise to make another Collateral Cut for the Navigation of Boats, Barges, and other Vessels, to branch from and out of the said intended Canal, in the Township of *Burgedin*, in the Parish of *Guilsfield*, in the County of *Montgomery*, to a certain Place in the Township of *Varchoel*, at or near a certain Bridge, called *Sarny Crowner*, in the Parish of *Guilsfield* aforesaid, and to supply the said intended Canal and Collateral Cuts whilst making, and at all Times for ever after the same shall have been

Proprietors incorporated.

Their Powers.

made, with Water from the River *Tannat*, at or near *Abercynlleth*, and alſo from the Rivers *Virniew*, *Rhiw*, and *Severn*, and from all Brooks, Springs, Rivulets, Waters, and Watercourſes, which are or ſhall flow or be found in making or digging the ſaid Canal and Collateral Cuts reſpectively, or within the Diſtance of Two thouſand Yards from the ſaid intended Canal and the Collateral Cuts, or any of them, and alſo to divert the Courſe of the River *Tannat* aforeſaid, between *Abertannat Hall*, in the County of *Salop*, and *Carreghofah Hall*, in the County of *Denbigh*, in ſuch Manner as by the ſaid Company of Proprietors ſhall be deemed requiſite and proper; and likewiſe to make any Reſervoir or Reſervoirs, and to erect One or more Fire Engine or Fire Engines, or other Machines, for ſupplying the ſaid intended Canal and Collateral Cuts, or any of them, with Water, and alſo to make ſuch and ſo many Soughs, Tunnels, Feeders, Aqueducts, and Channels, for ſupplying the ſaid Fire Engines, Reſervoirs, Canal, and Collateral Cuts, with Water, and for conveying Water from any ſuch Reſervoir or Reſervoirs to the ſaid Canal and Collateral Cuts, as by the ſaid Company of Proprietors ſhall be deemed neceſſary and proper; and alſo, for effecting the Purpoſes aforeſaid, to cleanſe, ſcour, dig, open, deepen, enlarge, or ſtraighten, the Streams, Brooks, or Watercourſes, which come or may be brought into or communicate with the ſaid Canal and Collateral Cuts reſpectively, and to dig, cut, or raiſe, the Banks of any of the ſaid Streams, Brooks, or Watercourſes, for bringing Water into the ſaid Canal and Collateral Cuts, or any of them; and to make ſuch proper Trenches or Paſſages for Water in, upon, or through, the Lands or Grounds adjoining or near to the ſaid Canal or Collateral Cuts, or any of them, or ſuch Streams, Brooks, or Watercourſes, as aforeſaid, or any of them, as the ſaid Company of Proprietors ſhall think fit; and for the Purpoſes aforeſaid, the ſaid Company of Proprietors, their Deputies, Servants, Agents, and Workmen, are hereby authorized and impowered to enter into and upon the Lands and Grounds of any Perſon or Perſons, Bodies Politick, Corporate, or Collegiate, whatſoever, and to ſurvey and take Levels of the ſame or any Part thereof, and to ſet out and aſcertain ſuch Parts thereof as they ſhall think neceſſary and proper for the making the ſaid intended Canal and Collateral Cuts, and any ſuch Reſervoir or Reſervoirs, Feeders and Aqueducts, and all ſuch other Works, Matters, and Conveniencies as they ſhall think proper and neceſſary for making, carrying on, effecting, preſerving, improving, completing, maintaining, ſuſtaining, and uſing, the ſaid Canal and Collateral Cuts, and other Works; and alſo to bore, dig, cut, trench, ſough, get, remove, take, carry away, lay, uſe, and manufacture, any Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the ſaid Canal and Collateral Cuts, or other Works, or in making any Reſervoir or Reſervoirs, Feeders or Aqueducts, in or out of the Lands and Grounds of any Perſon or Perſons adjoining or lying convenient thereto, and which may be proper, requiſite, or neceſſary for making, carrying on, continuing, maintaining, ſuſtaining, or repairing, the ſaid Canal and Collateral Cuts, or other Works, or which may hinder, prevent, or obſtruct, the making, uſing, or completing, extending, or maintaining, the ſame reſpectively, or the making, uſing, completing, extending, and maintaining, of ſuch Reſervoirs as aforeſaid, or of any ſuch Feeders, Trenches, Paſſages, Aqueducts, and

Watercourſes as aforeſaid, as ſhall be neceſſary and proper to convey Water to or from the ſaid Canal and Collateral Cuts, or any of them, according to the true Intent and Meaning of this Act, and to make, build, erect, and ſet up, in or upon the ſaid Canal or Collateral Cuts, or any of them, or upon the Lands adjoining or near the ſame reſpectively, ſuch and ſo many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Flood Gates, Weirs, Pens for Water, Water Stanks, Dams, Wharfs, Quays, Houſes, Warehouſes, Toll Houſes, Watch Houſes, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, dry or wet Docks, and other Works, Ways, Roads, and Conveniencies, as and where the ſaid Company of Proprietors ſhall think neceſſary and convenient for the Purpoſes of the ſaid Navigation, and alſo from Time to Time to alter, repair, and amend, or diſcontinue the ſame, and to divert, alter, widen, enlarge, and extend, any Bridges, Ways, Roads, Paſſages, Cuts, Locks, Soughs, Tunnels, Reſervoirs, Aqueducts, Trenches, Sluices, or other Works or Conveniencies, as well for the carrying and conveying of Coals, Stones, Minerals, Goods, Wares, Merchandizes, and other Articles to and from the ſaid Canal and Collateral Cuts, or any of them, as for the carrying and conveying of all Manner of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, maintaining, amending, widening, or enlarging, the ſaid Canal, Collateral Cuts, and the Works of or belonging to the ſaid Navigation, or which may be uſeful for any Purpoſes thereof, and alſo to place, lay, work, or manufacture, the ſaid Materials on the Grounds near to the Place or Places where the ſaid Works, or any of them, ſhall be or are intended to be made, erected, repaired, or done, and alſo to make, maintain, repair, and alter, any Fences or Paſſages over, under, or through, the ſaid Canal and Collateral Cuts, or any of them, or the Reſervoirs, Tunnels, Aqueducts, Soughs, Trenches, Paſſages, Feeders, Watercourſes, and Sluices reſpectively, which ſhall communicate therewith, and alſo to make, ſet out, and appoint, ſuch Towing Paths, Banks, Roads, and Ways convenient for towing, haling, or drawing of Boats, Barges, and other Veſſels paſſing upon the ſaid Canal, Cuts, or Trenches, with Men, Horſes, or otherwiſe, and proper Places for Boats, Barges, and other Veſſels navigated upon the ſaid Canal, Cuts, or Trenches, to turn, lie, or paſs each other, as they the ſaid Company of Proprietors ſhall think convenient, and to conſtruct, erect, and keep in Repair, any Piers, Arches, Aqueducts, and other Works, in, upon, and acroſs, any Rivers or Brooks, for the making, uſing, maintaining, and repairing, of the ſaid Canal, Cuts, Trenches, Towing Paths, and other Works, and to conſtruct, erect, make, and do all other Matters and Things which they ſhall think convenient or neceſſary for the making, effecting, extending, preſerving, improving, completing, and uſing, of the ſaid Canal, Collateral Cuts, and other Works to be made or conſtructed in purſuance of and according to the true Intent and Meaning of this Act, they the ſaid Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and making full Satisfaction, in Manner herein-after mentioned, to the Owners or Proprietors of, and all Perſons intereſted in, the Lands, Tenements, or Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, which ſhall be taken, uſed, removed, diverted, or prejudiced, for all Damages to be by them ſuſtained in or by the Execution of all or any

of the Powers of this Act, and this Act shall be sufficient to and shall indemnify the said Company of Proprietors, and their Deputies, 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.

Power to make Rollers, Inclined Planes, &c.

II. And be it further enacted, That if the said Company of Proprietors shall think it necessary or expedient that Boats, Barges, or other Vessels, Waggons or other Carriages, or any Merchandize, Goods, Wares, or other Matters or Things, should be conveyed over or along any Part or Parts of the intended Track or Line of the said Canal and Collateral Cuts, or any of them, by Rollers, Inclined Planes, Railways, Waggon Ways, or Cranes, or in any other Manner than by and upon Water, it shall be lawful for the said Company of Proprietors, or their General Committee, to cause any such Rollers, Railways, Inclined Planes, or other Works before mentioned, to be made for that Purpose at such Place or Places in, upon, or near, the Line or Track of the said Canal and Collateral Cuts, or any of them, as they shall think proper, and the same when so made shall be taken and considered as Part or Parts of the said Canal and Collateral Cuts, in like Manner as if such Place or Places had been made navigable.

Houses, Gardens, &c. not to be injured, except such as are mentioned.

III. Provided always, That nothing herein contained shall authorize or impower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, any House or other Building which was erected and built on or before the Twenty-ninth Day of *September* in the Year of our Lord One thousand seven hundred and ninety-three, or any Land or Ground which on that Day was set apart and used as or for a Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof, other than and except such as are particularly mentioned in the Schedule hereunto annexed or hereunder written, all which Houses and other Buildings mentioned in such Schedule, or any of them, it shall be lawful for the said Company of Proprietors to take, or pull down, and to sell, or otherwise dispose of the Materials thereof as they shall think proper; and it shall also be lawful for them to take and make use of the Scites of such Houses and other Buildings, and the said Yards, Orchards, and Gardens, mentioned in the said Schedule, for the Purposes of the said Navigation and Undertaking, the said Company of Proprietors making Satisfaction to the several Owners and Occupiers of, and Persons interested in, such Houses and other Buildings, and such Yards, Orchards, and Gardens respectively, for the same, and for the Damages they shall respectively sustain thereby, the same to be ascertained in like Manner as by this Act directed, with respect to any other Hereditaments to be taken by the said Company of Proprietors.

Not to take any Water from, or divert the Course of *Lledan Brook*, *Countrey House Brook*, or *Llivior Brook*;

IV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to authorize or impower the said Company of Proprietors, or any Person or Persons acting under their Authority, to take or use, for supplying the said Canal, any Water from or out of the Rivers or Brooks called *Lledan*, *Countrey House Brook*, and *Llivior Brook*, or from or out of any Rivulet, Brook, Stream, or Watercourse which runs

runs into them, or any of them, or from or by Means of which they or any of them are or is ſupplied with Water, or upon any Account or Pretence whatſoever to divert, alter, or change, the Courſe of the ſaid Rivers or Brooks laſt-mentioned, or any of them, or any ſuch Rivulet, Brook, Stream, or Watercourſe, running into the ſame, or any of them, but that in all Caſes where the ſaid intended Canal ſhall be carried acroſs the ſaid Rivers or Brooks called *Lledan*, *Countrey Houſe Brook*, and *Llivior Brook*, or any of them, or any ſuch Rivulet, Brook, Stream, or Watercourſe, running into them, or any of them, the ſaid Company of Proprietors ſhall at their own Expence make and lay proper Tunnels, Pipes, or Trunks, with the Bore or Cavity thereof of ſufficient Dimenſions to carry and convey all the Water of the ſaid Rivers or Brooks called *Lledan*, *Countrey Houſe Brook*, and *Llivior Brook*, and of every ſuch Rivulet, Brook, Stream, or Watercourſe, running into the ſame, or any of them, under or over the ſaid Canal, ſo that the ſame may run and flow in the uſual and common Courſe, as well when ſwelled by Rains as at all other Times: Provided nevertheleſs, that nothing herein contained ſhall hinder or prevent the ſaid Company of Proprietors from diverting the Courſe of, and having and taking for the Uſe and Supply of the ſaid Navigation, the Whole of the Water of the ſaid River or Brook called *Lledan* for Twenty-four Hours in every Week for ever, to be computed from Twelve of the Clock on every *Saturday* Night, until Twelve of the Clock on every *Sunday* Night; or from having and taking from Time to Time for ever, for the Uſe of the ſaid Navigation, any Springs which may happen to ariſe in the Bed of the ſaid Canal and Collateral Cuts, and alſo all ſuch Rain Water as ſhall fall on the Surface of the ſaid Canal and Cuts, or from taking from the ſaid Rivers or Brooks called *Lledan*, *Countrey Houſe Brook*, and *Llivior Brook*, or any of them, from Time to Time, during the Space of Four Years, ſo much Water as the ſaid Company of Proprietors ſhall neceſſarily want for the Purpoſe of puddling, and for the other Uſes and Purpoſes in making the ſaid Canal.

except the Water of *Lledan*, for Twenty-four Hours every Week;

and except the Water of ſuch aforeſaid Brooks Four Years for puddling.

Certain Mills to be purchaſed by the Company if injured.

V. And, for the Security of the Owners and Occupiers of the ſeveral Mills called *Aberbechan Mills*, *Berriew Mills*, *Brithdir Mill*, *Luggy Mill*, *Dommen's Mill*, *Green's Mill*, *Guilsfield Mill*, *Ceynant Mill*, and *Mardû Mill*, in the County of *Montgomery*, and *Carreghofah Mill*, in the County of *Denbigh*; be it further enacted, That in caſe the ſaid Company of Proprietors, or any Perſon or Perſons acting under their Authority, ſhall take or uſe, for ſupplying the ſaid Canal or Collateral Cuts, or any of them, or any Refervoir to be made as aforeſaid, any Water from any River, Rivulet, Brook, Stream, or Watercourſe, from or by Means of which any of the ſaid Mills are or is ſupplied with Water, to the Injury, Prejudice, or Detriment of all or any of the ſaid Mills, or the Owners, Proprietors, or Occupiers thereof in reſpect thereof, then and in every ſuch Caſe the ſaid Company of Proprietors ſhall, and are hereby directed and required (provided the Owners or Proprietors of the ſaid Mills, or ſuch of them as ſhall be ſo injured, affected, or prejudiced, ſhall deſire the ſame) to purchaſe every ſuch Mill ſo injured, affected, or prejudiced, at a full and fair Price, the ſame to be ſettled and adjuſted between the ſaid Company of Proprietors and the ſeveral Proprietors of, and Perſons intereſted in, ſuch Mill that ſhall or may be ſo injured, affected, or prejudiced, by the Commiſſioners herein-after appointed, in ſuch Manner as other Queſtions,

Matters, and Differences, are herein-after ordered and directed to be ſettled, determined, and adjuſted.

Plan depoſited with the Clerks of the Peace to remain there.

VI. And whereas a Map or Plan, deſcribing the Line of the ſaid intended Canal and Cuts, and the Lands through which the ſame are intended to be carried, together with a Book of Reference containing a Liſt of the Names of the Owners or reputed Owners, and Occupiers of ſuch Lands, have been depoſited at the Office of the Clerk of the Peace for each of the Counties of *Salop*, *Denbigh*, and *Montgomery*; be it therefore further enacted, That the ſaid Maps or Plans, and Books of Reference, ſhall remain in the ſaid Offices, and all Perſons ſhall at any ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and make Copies thereof, or Extracts therefrom, at their Will and Pleaſure, paying the reſpective Clerks of the Peace the Sum of One Shilling for every ſuch Inſpection, and after the Rate of Sixpence for every One hundred Words of ſuch Copies or Extracts of the ſaid Book of Reference; and that the ſaid Company of Proprietors, in making the ſaid intended Canal and Cuts, ſhall not deviate more than One hundred Yards from the Line or Courſe thereof deſcribed in the ſaid Map or Plan, nor ſhall any ſuch Deviation be made into or carried through the Lands of any Perſon or Perſons not named in the ſaid Book of Reference, without the Conſent of the Perſon or Perſons through or into whoſe Lands ſuch Deviation ſhall be made or carried: Provided always, That no Advantage ſhall be taken of or againſt the ſaid Company of Proprietors, or any Interruption be given to the making of the ſaid intended Canal and Cut, on Account of any Error or Omiſſion in the ſaid Book of Reference, in caſe it ſhall appear to the Commiſſioners appointed by this Act, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Breadth of Canal and Towing Paths.

VII. And be it further enacted, That the Lands or Grounds to be taken or uſed for the making of the ſaid Canal or Collateral Cuts reſpectively, and for the Towing Paths thereto, and the Ditches, Drains, and Fences, to ſeparate ſuch Towing Paths from the adjoining Lands, ſhall not exceed Twenty-four Yards in Breadth, to be meaſured horizontally, except in ſuch Places where any Dock or Docks, Baſon or Baſons, Pen or Pens of Water ſhall be made, or where the ſaid Canal and Collateral Cuts, or any of them, or any Part thereof, ſhall be raiſed higher or cut more than Five Feet below the preſent Surface of the Land, and except in ſuch Places where it ſhall be judged neceſſary for Boats, Barges, and other Veſſels to turn, lie, or paſs each other, or where any Warehouſes, Cranes, or Weigh Beams, may be erected, or where any Wharfs or other Places may be ſet out or appropriated for the Reception or Delivery of any Coals, Lime, Lime Stone, Minerals, Timber, or other Goods, Wares, or Merchandize, which ſhall be conveyed on the ſaid Navigation, and not above Seventy Yards in Breadth in any Place without the Conſent of the Owners of the Lands or Hereditaments adjoining thereto.

No Building to be erected on the Tow-

VIII. And be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Company of Proprietors to erect or build any

ing Paths, except for the Navigation.

any Houſe, Mill, or other Building, (other than and except Warehouſes, Toll Houſes, Watch Houſes, and Cottages and other Conveniencies for their Workmen, for the Uſe of the ſaid Navigation, and other than and except any Mill or Mills, with Millers Houſes, and other Conveniencies thereto, in lieu of others which may have been purchaſed under the Authority of this Act), upon the Lands which ſhall be ſet out for the Towing Paths, Wharfs, or Quays, or other Purpoſes of the ſaid Navigation, without the Conſent of the Perſon or Perſons who ſhall be Owner or Owners of ſuch Lands at the Time of ſetting out the ſame for the Purpoſes aforeſaid; or to convert or employ any Water that ſhall be brought into or diſcharged out of the ſaid Canal and Collateral Cuts, or any of them, or any Trenches or Sluices hereby authorized to be made, for the Uſe of any Mill or Mills hereafter to be erected near the ſame (except for the Uſe of any ſuch Mill or Mills that may be erected in lieu of others which may have been purchaſed under the Authority of this Act); 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, Collateral Cuts, Towing Paths, Trenches, Sluices, Roads, Paſſages, Works, or Conveniencies, or any Part thereof reſpectively ſhall be made, except ſuch Timber Wood, Bruſh Wood, or Underwood, as ſhall grow or be in or upon the Lands or Grounds which ſhall be taken or uſed for the making of the ſaid Canal, Collateral Cuts, Towing Paths, Trenches, Sluices, Roads, Paſſages, Works, or Conveniencies reſpectively as aforeſaid, or ſome Part thereof, and the Proprietors of the reſpective Lands and Grounds on which ſuch Timber Wood, Bruſh Wood, or Underwood, ſhall ſtand or be growing at the Time of the Commencement of this Act, their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall have their Election to take or refuſe ſuch Timber Wood, Bruſh Wood, or Underwood reſpectively, when felled or cut down by the ſaid Company of Proprietors, at ſuch Price or Value as the ſame reſpectively ſhall have been eſtimated at or purchaſed by the ſaid Company of Proprietors, but in caſe the ſame ſhall not have been eſtimated at or purchaſed by them upon a Valuation ſeparate and diſtinct from the Lands or Grounds upon which the ſame ſhall reſpectively grow or be, then at ſuch Price or Value as ſhall be agreed on for that Purpoſe between ſuch Proprietors or Owners of Lands, and the ſaid Company of Proprietors or their Agents, and in caſe of any Difference in ſettling or aſcertaining the ſame, then at ſuch Price or Value as the ſaid Commiſſioners ſhall direct, and the ſaid Timber Wood, Bruſh Wood, and Underwood, ſo to be fallen by the ſaid Company of Proprietors, or by their Order, ſhall and may be carried and conveyed upon any Part of the ſaid Canal and Collateral Cuts, Trenches, and Sluices, free from all Rates to be raiſed and levied by virtue of this Act; and if any Houſe, Mill, or other Building, (ſave as aforeſaid), ſhall be erected upon any ſuch Lands or Grounds without ſuch Conſent as aforeſaid, it ſhall be lawful for the Perſon or Perſons who was or were Owner or Owners of ſuch Lands or Grounds at the Time of ſetting out the ſame for the Purpoſes aforeſaid, or his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, to take, pull down, and remove, ſuch Houſes, Mills, and other Buildings, without being

deemed guilty of Treſpaſs, or liable to any Action or Proſecution for ſo doing.

IX. And be it further enacted, That after any Lands, Grounds, or Hereditaments, ſhall be ſet out and aſcertained for making the ſaid Canal and Collateral Cuts, or any Part or Parts thereof, and for providing and conſtructing the Reſervoirs, Baſons, Wharfs, and other Works and Conveniencies herein-before mentioned, or any of them, it ſhall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for charitable and other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees and Perſons, not only for and on Behalf of themſelves, their Heirs, and Succeſſors, but alſo for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks, Idiots, Femes Covert, or other Perſon or Perſons, and to or for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, or entitled to Dower or Thirds, or other Intereſts therein, and for every other Perſon or Perſons who is, are, or ſhall be ſeiſed, poſſeſſed of, or intereſted in, any Lands, Grounds, or Hereditaments, which ſhall be ſet out and aſcertained for the Purpoſes aforeſaid, to contract for, ſell, and convey, the ſame and every Part thereof unto the ſaid Company of Proprietors; and if it ſhall happen that by the making of the ſaid Canal and Collateral Cuts, or any of them, or by the Conveyance of Water thereto, or by making or conſtructing of any of the Works hereby authorized to be made, 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, and all and every ſuch other Perſon and Perſons ſo entitled or intereſted as aforeſaid, by and with the Conſent of the Commiſſioners hereby appointed, teſtified by Writing under their Hands and Seals, to contract for, ſell, and diſpoſe of, or to convey in Exchange for other Lands, all or any Part of ſuch ſmall Parcels of Land ſo ſeparated, to any Perſon or Perſons, for ſuch Price or Conſideration in Money, or other Equivalent, as to the ſaid Commiſſioners ſhall ſeem reaſonable; and all Bodies Politick, Corporate, or Collegiate, and all other Perſons ſo conveying or exchanging as aforeſaid, are hereby indemnified for what they ſhall reſpectively do in relation to any ſuch Sale or Exchange which they ſhall make by virtue of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances, other than thoſe which concern any Purchaſe or Exchange between any ſuch reſpective Land Owners, ſhall be made at the Expence of the ſaid Company of Proprietors, and at their Expence be enrolled by the Clerk of the Peace of the County in which ſuch Lands, Grounds, or Hereditaments ſhall lie, who ſhall, from Time to Time, when requeſted, deliver atteſted Copies to any Perſon or Perſons requiring the ſame, and ſhall have and receive Sixpence for every One hundred Words of ſuch atteſted Copies, and ſo in Proportion for any leſs Number of Words, which Copies, ſigned by any ſuch Clerk of the Peace, ſhall be allowed to be good Evidence in all Courts whatſoever; and which Sales, Conveyances, and Aſſurances, to the ſaid Company of Proprietors ſhall be made according to the following Form, (*videlicet*),

Bodies Politick, &c. impowered to convey Lands, &c.

*A. B.*

'*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 *Montgomeryſhire* Canal, do hereby
'grant and releaſe to the ſaid Company, all [*deſcribing the Premiſes to*
'*be conveyed*] and all my Right, Title, and Intereſt, in and to the ſame,
'and every Part thereof, to hold to the ſaid Company for ever, by
'virtue and according to the true Intent and Meaning of the Act of
'Parliament paſſed in the Thirty-fourth Year of the Reign of King
'*George* the Third, for making and maintaining the ſaid Canal. In Wit-
'neſs whereof I have hereunto ſet my Hand and Seal this
' Day of

And every ſuch Conveyance, after the ſame ſhall have been enrolled by the Clerk of the Peace as aforeſaid, ſhall be kept by the Clerk to the ſaid Company of Proprietors; and every ſuch Conveyance as aforeſaid, which ſhall be made to any Perſon or Perſons other than the ſaid Company of Proprietors, ſhall be according to the following Form:

'I *A. B.* do hereby, by virtue and in purſuance of a certain Act of Parlia-
'ment, intituled [*ſet forth the Title of the Act*] and by and with the
'Conſent and Approbation of Five of the Commiſſioners appointed in
'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.* at or before the Sealing and Delivery of theſe Preſents, the
'Receipt whereof I do hereby acknowledge [*or*, in Exchange for cer-
'tain Lands ſituate conveyed to me by *C. D.* by
'Writing under his Hand and Seal bearing even Date herewith] grant
'and releaſe to the ſaid *C. D.* all [*deſcribe the Premiſes*] to hold to the
'ſaid *C. D.* his Heirs and Aſſigns for ever, as Witneſs my Hand and Seal,
'this Day of

And every ſuch Conveyance to be made by virtue of this Act, in the Form and Manner aforeſaid, ſhall be valid and effectual to all Intents and Purpoſes whatſoever, any Law or Uſage to the contrary notwithſtanding.

Compenſation for Lands may be made in groſs Sums or by Rents.

X. Provided always, and be it further enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſons herein-before capacitated to ſell or convey any Lands and 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 and Collateral Cuts, Towing Paths, Quays, or other Works hereby authorized are intended to be made, or of any Mills, Forges, or other Works from which any Water to ſupply the ſaid Canal and Collateral Cuts, or any of them, may or ſhall be taken or diverted, may accept and receive Satisfaction for the Value of ſuch Lands and Grounds, Mills, Forges, or other Works, Water, 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 Parties intereſted reſpectively, and the ſaid Company of Proprietors; and in caſe the ſaid Company of Proprietors, and the Parties intereſted in ſuch Lands, 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 hereby appointed, in ſuch Manner, and ſubject to ſuch Verdict of a Jury, if required, as is herein-after directed; and all ſuch Yearly Rents or Sums as ſhall be agreed on between the ſaid Company of Proprietors, and the ſaid Parties intereſted in ſuch Lands and Grounds, or other Hereditaments, or as ſhall be ſo aſcertained and ſettled as aforeſaid, ſhall be charged on the Rates ariſing by virtue of this Act, and ſhall be paid by the ſaid Company of Proprietors, either Yearly or Half-yearly, as the ſame ſhall be agreed to become due and payable; and in caſe the ſame ſhall not be paid within Twenty Days next after the ſame ſhall ſo become due and payable, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required, by an Order under their Hands, to appoint One or more Perſon or Perſons to receive the Rates hereby granted and made payable, and to pay the ſame to ſuch Perſon or Perſons to whom ſuch Yearly Rents or Sums ſhall be due and unpaid as aforeſaid, the ſaid Commiſſioners taking ſuch Security from every ſuch Collector for the due and faithful Execution of his Office, as they ſhall judge proper and ſufficient, 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, and ſhall receive and retain thereout a reaſonable Satisfaction for his Trouble therein, in like Manner 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 all Coſts and Damages occaſioned by the Nonpayment thereof, ſhall be fully ſatisfied and paid; or it ſhall be lawful for ſuch Bodies Politick, Corporate, or Collegiate, Truſtees, or other Perſon or Perſons to whom ſuch Yearly Rents or Sums ſhall be due and owing as aforeſaid, to ſue for and recover the ſame, with Coſts of Suit, by Action of Debt in any of His Majeſty's Courts of Record, or otherwiſe to ſeize or diſtrain any Boats, Veſſels, or other Goods or Effects of the ſaid Company of Proprietors which ſhall be found upon the ſaid Canal and Collateral Cuts, or any of them, 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 their Head Clerk or Treaſurer, or affixed to ſome of their Wharfs or Quays, near to the Place where ſuch Diſtreſs was 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 Five Days next after the 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, Price to be ſettled by the Commiſſioners or a Jury.

XI. And be it further enacted, That every Perſon who ſhall, in his own Right, or in the Right of his Wife, (and not as Mortgagee, Truſtee, or Leſſee), be ſeiſed of or entitled unto a Freehold or Copyhold Eſtate

Commiſſioners.

ſituate within the Counties of *Salop*, *Denbigh*, and *Montgomery*, or any of them, of the clear Yearly Value of Forty Pounds over and above all Rents, Annuities, Incumbrances, and Reprizes, and alſo the eldeſt Son and Heir Apparent of every Perſon having ſuch Eſtate as aforeſaid, within the ſaid Counties, or any of them, of the clear Yearly Value of Two hundred Pounds over and above all Rents, Annuities, Incumbrances, and Reprizes, and alſo every Perſon uſually reſiding within the ſaid Counties, or any of them, and having a Perſonal Eſtate, or Real or Perſonal Eſtate together of the Value of Eight hundred 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 Owners of and Perſons intereſted in any Lands, Grounds, Tenements, Mills, Mines, Waters, or Hereditaments, which ſhall or may be taken, uſed, affected, or prejudiced, as aforeſaid, and for carrying the ſeveral other Powers by this Act given to or veſted in them into Execution; but no Perſon ſhall act, or be qualified to act as a Commiſſioner in the Execution of this Act, during the Time of his holding any Place of Profit ariſing out of the Rates to be collected by virtue of this Act, or of his being a Proprietor in the ſaid Navigation, or concerned or intereſted in any Contract or Bargain to be made for the Purpoſes of this Act, or in any Caſe where he ſhall be anyway intereſted or concerned in the Matter in Queſtion, or (except in adminiſtering the Oath hereinafter mentioned), until he ſhall have taken and ſubſcribed an Oath to the Effect following, before any Five or more of the ſaid Commiſſioners, who are hereby authorized and required to adminiſter the ſame; *(videlicet)*,

Commiſſioners not to act where intereſted, and to take an Oath.

'I *A. B.* do ſwear, 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 [*ſet forth the Title of the Act*], and that I am qualified to act as a Commiſſioner according to the Direction of the ſaid Act.'

And if any Perſon ſhall 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 Fifty Pounds to any Perſon who ſhall ſue for the ſame, to be recovered, with full Coſts of Suit, by Action at Law in any of His Majeſty's Courts of Record; 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 Plaintiff, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act.

Commiſſioners may act as Juſtices.

XII. Provided always, That ſuch of the ſaid Commiſſioners who are or ſhall be Juſtices of the Peace for the ſaid Counties, or any of them, ſhall and may, notwithſtanding their being Commiſſioners, 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 Juſtice of the Peace in any Matter reſpecting the ſame, ſo long as he ſhall hold or be intereſted in ſuch Place of Profit, Share or Shares, Contract or Bargain, as aforeſaid.

Commiſſioners Firſt Meeting.

XIII. And be it further enacted, That the ſaid Commiſſioners ſhall hold their Firſt Meeting for the Purpoſes of this Act, at ſuch Time and Place as they ſhall be thereunto required by the Firſt General Aſſembly of the ſaid Company of Proprietors, (to be held as herein-after appointed), by publick Advertiſement as herein-after mentioned; and the ſaid Commiſſioners ſhall, and are hereby required at ſuch their Firſt Meeting to appoint, out of Three Perſons to be nominated by the ſaid Company of Proprietors, ſuch One of them as the ſaid Commiſſioners ſhall think proper to be their Clerk; and the ſaid Commiſſioners ſhall have Power, from Time to Time, at any of their ſubſequent Meetings, to remove any ſuch Clerk, and appoint another in his Stead, out of Three Perſons to be nominated by the ſaid Company of Proprietors, and every ſuch Clerk ſhall be paid for his Care and Trouble in the Execution of his Office by the ſaid Company of Proprietors; and all the Orders and Proceedings of the ſaid Commiſſioners, as well at their Firſt as at every ſubſequent Meeting, ſhall be regularly entered by their Clerk in a Book to be kept for that Purpoſe, and to be provided, from Time to Time, by the ſaid Company of Proprietors, and ſuch Entries, being ſigned by ſuch Number of Commiſſioners reſpectively, as are impowered by this Act to make ſuch Orders or carry on ſuch Proceedings, or by their Clerk, by the Orders and Directions of ſuch Number of Commiſſioners as aforeſaid, who ſhall be aſſembled at any ſuch Meeting or Meetings, ſhall be deemed Originals, and ſhall be admitted as Evidence in all Courts of Law or Equity; but no ſuch Firſt or other Meeting of the ſaid Commiſſioners, (except ſuch adjourned Meetings as herein-after mentioned), ſhall at any Time be had for putting into Execution any of the Powers or Authorities veſted in the ſaid Commiſſioners by this Act, unleſs Ten Days previous Notice at leaſt of every ſuch intended Meeting ſhall be given in One or more of the *Shrewſbury* Newſpapers, or in One or more other Newſpaper or Newſpapers uſually circulating in the County in which ſuch Meeting ſhall be propoſed to be held; and every Meeting of the ſaid Commiſſioners by virtue of this Act ſhall be held publickly, and no Order, Direction, or Determination of the ſaid Commiſſioners, or any of them, touching any of the Matters and Things herein contained, (except in ſuch Caſes as are hereby otherwiſe directed), ſhall be valid or effectual, unleſs the ſame ſhall be made or done at ſome Meeting to be held in purſuance of this Act; and all the Powers and Authorities by this Act given to or veſted in the ſaid Commiſſioners, (except ſuch as may be executed without their being aſſembled at any Meeting or Meetings), ſhall and may, from Time to Time, be exerciſed by the Majority of the Commiſſioners preſent at every

ſuch

ſuch Meeting, the whole Number preſent at any ſuch Meeting not being leſs than Five, and the ſame ſhall be as valid and effectual as if done or executed by all the ſaid Commiſſioners.

Commiſſioners may hold Special Meetings.

XIV. And be it further enacted, That upon any Application to be made in Writing to the Clerk to the ſaid Commiſſioners by or on the Behalf of the ſaid Company of Proprietors, or by any Owner or Occupier of any Lands or Hereditaments to be affected by the making of the ſaid Canal or Collateral Cuts, or any of them, or any of the Works relating thereto, or upon any ſuch Application by or on the Behalf of any Body Politick, Corporate, or Collegiate, or Perſon or Perſons intereſted in any Matter to be determined by the ſaid Commiſſioners, requeſting ſuch Clerk to call a Special Meeting of the ſaid Commiſſioners, ſuch Clerk ſhall, and he is hereby authorized and required, within Seven Days next after ſuch Requeſt or Application made, to give publick Notice in Manner aforeſaid of ſuch Meeting, to be held at ſuch Time and Place as the ſaid Clerk ſhall think proper, ſuch Time not being leſs than Fourteen nor more than Twenty-one Days from the Day on which ſuch Requeſt or Application ſhall be made as aforeſaid, and the ſaid Commiſſioners are hereby authorized, impowered, and required, notwithſtanding any previous or intervening Adjournment of their Meetings, to aſſemble at the Time and Place to be ſo appointed, in order to put into Execution the Powers and Authorities hereby given to and veſted in them, reſpecting any Matter for which ſuch Special Meeting ſhall be required; and in caſe the Buſineſs to be tranſacted at any General or Special Meeting of the ſaid Commiſſioners to be held in purſuance of this Act, ſhall not be concluded and finiſhed on the Day appointed for ſuch Meeting, or if a ſufficient Number of Commiſſioners ſhall not attend for that Purpoſe, then and in ſuch Caſe, any One or more of the Commiſſioners who may be then preſent, ſhall adjourn ſuch Meeting to ſuch Time and Place as ſuch One Commiſſioner, or the major Part of ſuch Commiſſioners, (if there be more than One preſent), ſhall think proper and convenient, but no ſuch Adjournment ſhall be made for a longer Time than Two Calendar Months; and if it ſhall happen that there ſhall not appear at any Meeting to be held under the Powers of this Act any Commiſſioner, or in Default of ſuch Adjournment, the Clerk to the ſaid Commiſſioners ſhall and may, by publick Notice to be given in Manner aforeſaid, appoint the Commiſſioners to meet at the Houſe or Place where the laſt Meeting of the ſaid Commiſſioners was appointed to be held, within Fourteen Days next after the Day on which ſuch former Meeting was to have been held; or any Three or more of the ſaid Commiſſioners may at any Time revive or continue the Meeting of the ſaid Commiſſioners, by calling another Meeting to be held at ſuch Time as any ſuch Three Commiſſioners ſhall appoint, and at any Place or Places within Six Miles of the ſaid Canal and Collateral Cuts, or any of them, publick Notice being given in Manner aforeſaid, by the ſame Commiſſioners of ſuch Revival and Continuation of the Meeting: Provided always, That every Special Meeting of the Commiſſioners to be held upon ſuch Requeſt or Application as aforeſaid, for hearing and determining any particular Complaint, Controverſy, Diſpute, or Difference, between the ſaid Company of Proprietors, and any other Perſon or Perſons, ſhall be held within

Meetings to determine Diſputes, &c. to be held within Six Miles of the Place where the Matter ariſes.

within Six Miles of the Place where ſuch Complaint or Diſpute ſhall ariſe, and that every publick Notice or Advertiſement in Manner aforeſaid of ſuch Special Meeting ſhall mention the Purport or Cauſe of ſuch Meeting.

Commiſſioners to examine Witneſſes, and ſettle Diſputes.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall be and they are hereby authorized and required, at any of their Meetings, to examine Witneſſes on Oath, (to be adminiſtered by them), touching any Matter which may in purſuance of this Act be ſubmitted to the Conſideration of the ſaid Commiſſioners, 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 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 ſo ſet out and aſcertained as aforeſaid, for making the ſaid Canal and Collateral Cuts, or any Part thereof, or for any other the Purpoeſs of this Act, 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 Collateral Cuts reſpectively, and the Reſervoirs, Aqueducts, Feeders, Tunnels, Sluices, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, Railways, or other Works or Conveniencies, belonging thereto, or by ſupplying the ſame or any of them, with Water as aforeſaid, or by the flowing, leaking, or oozing, of the Water over or through the Banks of the ſaid Canal and Collateral Cuts, Reſervoirs, Sluices, and Trenches, or any of them, or over or through any Paſſages, Gutters, or Watercourſes, which ſhall be made purſuant to the Power hereby given, or by not cleanſing the ſame, or by diverting any Streams or Brooks into the ſame, or by Reaſon or Means of the Execution of any other of the Powers hereby given to the ſaid Company of Proprietors.

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

XVI. Provided always, and be it further enacted, That if the ſaid Company of Proprietors, or their General Committee for the Time being, or any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid, ſhall be diſſatisfied with any ſuch Judgement or Determination, and ſhall give Notice thereof to any Three or more of the ſaid Commiſſioners, within Fourteen Days next after the ſame ſhall have been made, or ſhall refuſe or neglect to ſubmit any ſuch Matter to the Determination of the ſaid Commiſſioners, or if any ſuch Body Politick, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons, ſhall refuſe to receive, upon due Tender thereof made, ſuch Purchaſe Money, or the Firſt Payment of ſuch Annual Rent, or ſuch Recompence as ſhall be ſo determined to be paid, or ſhall upon Notice in Writing given to the principal Officer of any ſuch Body Politick, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon, or Perſons reſpectively, or left at the laſt or uſual

Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of any Lands or other Hereditaments to be made uſe of for the Purpoſes of this Act, for the Space of Twenty-one Days next after ſuch Notice, neglect or refuſe to treat, or ſhall not agree with the ſaid Company of Proprietors, or by Reaſon of Abſence or otherwiſe ſhall be prevented from treating, or through Diſability, by Nonage, Coverture, or other Impediment, cannot treat for himſelf, herſelf, or themſelves, or make ſuch Agreement as ſhall be neceſſary for the Purpoſes aforeſaid, or ſhall not within the before-mentioned Space of Twenty-one Days produce and fully diſcloſe the State of the Title to the Premiſes which he, ſhe, or they is, are, or ſhall be in Poſſeſſion of, and to the Intereſt which he, ſhe, or they claim therein, then and in every ſuch Caſe the ſaid Commiſſioners ſhall, and are hereby impowered and required to iſſue a Warrant under their Hands and Seals to the Sheriff of the County in which the Matter in Queſtion ſhall ariſe; and in caſe ſuch Sheriff or his Under Sheriff ſhall be One of the Company of Proprietors, or enjoy any Office of Profit or Truſt under them, or ſhall be otherwiſe intereſted in the Matter in Queſtion, then to any One of the Coroners of ſuch County who ſhall not be ſo intereſted as aforeſaid; and in caſe all the ſaid Coroners of ſuch County ſhall be ſo intereſted, then to the laſt Perſon who filled the Office of Sheriff of ſuch County then in being, and who ſhall not be intereſted as aforeſaid, commanding ſuch Sheriff, Coroner, or other Perſon, to impannel, ſummon, and return a Jury, and the ſaid Sheriff, Coroner, or other Perſon, is hereby required accordingly to impannel, ſummon, and return a Jury of Twenty-four ſufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trials of Iſſues in His Majeſty's Courts at *Weſtminſter*, to appear before the ſaid Commiſſioners at ſuch Time and Place as in ſuch Warrant ſhall be appointed, ſuch Time not being leſs than Fourteen Days nor more than Twenty-one Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff, Coroner, or other Perſon; and in caſe Twelve of the Perſons ſo ſummoned ſhall not appear at the Time and Place ſo to be appointed as aforeſaid, the ſaid Sheriff, Coroner, or other Perſon ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service, (being ſo qualified as aforeſaid), to make up the ſaid Jury to the Number of Twelve; and every ſuch Jury and Juryman ſhall be liable and ſubject to the ſame Regulations, and to the ſame Pains and Penalties for Default, as if he and they had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts at *Weſtminſter*, and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners are hereby impowered and required, by a Summons or Notice to be ſigned by Three or more of the ſaid Commiſſioners, either previous to or at the Time of any ſuch Meeting or Meetings, to ſummon and call before them all and every Perſon and Perſons who ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching the Matters in Queſtion, and to hear and examine ſuch Witneſs or Witneſſes upon Oath, and the ſaid Commiſſioners may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in Queſtion, which Jury upon their Oaths, (which Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners are hereby impowered to adminiſter), ſhall enquire

of, aſſeſs, and aſcertain, the Sum of Money and Annual Rent to be paid for the Purchaſe of ſuch Lands or other Hereditaments, or the Recompence to be made for the Damages that ſhall or may be ſuſtained as aforeſaid, and ſhall aſſeſs ſeparate Damages for the ſame, and the ſaid Commiſſioners ſhall give Judgement for ſuch Purchaſe Monies, Rent, or Recompence, ſo to be aſſeſſed by ſuch Jury, which ſaid Verdict, and the Judgement thereupon pronounced as aforeſaid, ſhall be ſigned by the ſaid Commiſſioners, and ſhall be binding and concluſive, to all Intents and Purpoſes, againſt all Bodies Politick, Corporate, or Collegiate, and all other Perſons, and ſhall not be removed by *Certiorari*, or other Proceſs, into any of His Majeſty's Courts of Record at *Weſtminſter*, or any other Court; any Law or Statute to the contrary notwithſtanding.

Fines upon Sheriffs, &c. making Default.

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

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

XVIII. And be it further enacted, That whenſoever a Jury is or ſhall be called by the Commiſſioners as aforeſaid, or any Witneſs or Witneſſes is or ſhall be examined by or before the ſaid Commiſſioners alone, or by and before the ſaid Commiſſioners and Jury jointly, as herein-before directed, the ſaid Commiſſioners ſhall, and they are hereby required, according to their Diſcretion, to give and award to each of the ſaid Jurors and Witneſſes in every ſuch Caſe, ſuch ſeveral and reſpective Sum and Sums of Money as ſhall be a reaſonable Recompence for the Expences and Trouble of his or her Journey and Attendance; and in each and every Caſe where a Verdict ſhall be given for more Money, or for a greater Annual Rent, as a Recompence or Satisfaction for the abſolute Sale of any Lands, Grounds, Mills, Waters, or other Hereditaments of any Perſon or Perſons whomſoever, or as a Compenſation for any Damages done or to be done to ſuch Lands or other Hereditaments, or Property, than had been previouſly offered by or on Behalf of the ſaid Company of Proprietors before the Meeting of the ſaid Commiſſioners, or than had been

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

Perſons requeſting Juries to enter into Bond to proſecute.

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

XX. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall not be obliged or allowed by virtue of this Act, to receive or take Notice of any Complaint to be made by any Perſon or Perſons for any Injury or Damage by him, her, or them ſuſtained or ſuppoſed to be ſuſtained by virtue or in conſequence of this Act, unleſs Application ſhall have been made in relation thereto by or on Behalf of ſuch Perſon or Perſons to the ſaid Company of Proprietors, or to their Treaſurer or Clerk, reſiding neareſt to the Place where the Cauſe of Complaint ſhall ariſe, Ten Days at the leaſt before ſuch Complaint ſhall be made to the ſaid Commiſſioners, within the Space of Six Calendar Months next after the Time of ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed. Notice of Injury to be given to the Proprietors before Complaint to the Commiſſioners.

XXI. 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 been entitled to ſuch Tythes, according to their reſpective Intereſts therein, ſuch Tythes to be eſtimated at the Average Value of 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 all Spiritual Perſons by an Annual Rent. Compenſation for Tythes.

XXII. And be it further enacted, That the ſaid Commiſſioners and Juries reſpectively, ſhall award all Determinations, Judgements, and Verdicts, which they ſhall reſpectively make and give in the Execution of the Powers hereby veſted in them, concerning the Value of Lands, Mills, and other Hereditaments, ſeparately and diſtinctly from the Conſideration of or for any other Damages ſuſtained or to be ſuſtained by any Perſon or Perſons in conſequence of the Execution of any of the Powers of this Act, and ſhall diſtinguiſh the Value ſet upon the Lands and other Hereditaments, and the Money aſſeſſed or adjudged for ſuch Damages as aforeſaid, ſeparately and apart from each other. Verdict of Value of Lands and Damages to be aſcertained ſeparately.

XXIII. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money, or giving ſuch Security as the ſaid Commiſſioners ſhall approve for Payment of any ſuch Annual Rent as ſhall have been contracted and agreed for between the Parties, or adjuſted and determined by the ſaid Commiſſioners, or aſſeſſed by ſuch Juries, in Manner reſpectively as aforeſaid, for the Purchaſe of any ſuch Lands, Waters, Mills, or other Hereditaments, or as a Recompence for the Yearly Produce or Profits thereof, or as a Compenſation for Damages as herein-before mentioned, to the Proprietor or Proprietors of ſuch Lands and Premiſes, or to ſuch other Perſon or Perſons as ſhall be intereſted therein, or entitled to receive ſuch Money, Rent, or Compenſation Power to enter and take Poſſeſſion of Lands, on Payment or Tender of Purchaſe Money.

penſation reſpectively, at any Time after the ſame ſhall have been ſo agreed for, determined, or aſſeſſed, or if the Perſon or Perſons ſo entitled or intereſted, or any of them, cannot be found, or ſhall refuſe to receive the ſame, then upon Payment thereof to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall by Writing under their Hands appoint, for the Uſe of, and to be paid upon Demand, without Fee or Reward, to ſuch Perſon or Perſons ſo intereſted or entitled as aforeſaid, in all or any of the ſaid Caſes, it ſhall be lawful for the ſaid Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon ſuch Lands, Grounds, and other Hereditaments reſpectively, (or before ſuch Payment or Tender, by Leave of the Owners and Occupiers thereof), and then and thereupon ſuch Lands, Grounds, Waters, Mills, and other Hereditaments, together with the Yearly Profits thereof, and all the Eſtate, Uſe, Truſt, and Intereſt, of any Perſon or Perſons therein, ſhall from thenceforth be veſted in, and become the ſole Property of the ſaid Company of Proprietors, to and for the Purpoſes of this Act for ever; and ſuch Tender, Payment, Inveſtment, or Depoſit, ſhall not only bar all Right, Title, Claim, Intereſt, and Demand of the Perſon or Perſons to whom the ſame ſhall or ought to have been made, but alſo ſhall extend to and be deemed and conſtrued to bar the Dower or Thirds at Common Law of the Wife of every ſuch Perſon, and all Eſtates Tail, and other Eſtates in Reverſion and Remainder, of his, her, or their Iſſue, and of every other Perſon whomſoever therein.

Verdicts to be recorded.

XXIV. And be it further enacted, That all the Determinations of the ſaid Commiſſioners which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the ſaid Judgements and Verdicts, ſhall be tranſmitted to and be kept by the reſpective Clerks of the Peace, or other Perſons having the Cuſtody of the Records of the Quarter Seſſions for the ſaid Counties of *Salop*, *Denbigh*, and *Montgomery* reſpectively, wherein the Matters in Queſtion ſhall happen, and ſhall be deemed to be Records of ſuch Quarter Seſſions to all Intents and Purpoſes, and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever, and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection the Sum of One Shilling, and to have Copies thereof, paying for every Copy the Sum of Sixpence for every One hundred Words, and ſo in Proportion for any leſs Number of Words.

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

XXV. And be it further enacted, That all Sums of Money which are to be paid to any Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, or Perſons acting as Guardians, Committees, or Truſtees for or on Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands or Eſtates are limited in ſtrict or other Settlement, for the Purchaſe or Exchange of, or the Damage to be done to, any Lands or Hereditaments by virtue of the Powers herein contained, ſhall (in caſe the ſame ſhall exceed the Sum of Twenty Pounds) be laid out as ſoon as conveniently may be by ſuch Bodies Politick, Corporate, or Collegiate, Feoffees in Truſt, Executors, Adminiſtrators;

Husbands, Guardians, Committees, or other Trustees, Person or Persons aforesaid, in the Purchase of Lands, Tenements, and Hereditaments, either in Fee Simple, or such other Tenure as the Owner or Owners of the Premises which may have been appropriated or made use of for the Purposes of this Act had therein at the Time the same shall be appropriated or made use of; and which said Lands, Tenements, and Hereditaments so to be purchased, shall be conveyed to or to the Use of such Bodies Politick, Corporate, or Collegiate, or to or for such other Person or Persons, and for such Estates, and to, for, upon, and subject to such Uses, Trusts, Limitations, Remainders, and Contingencies, as the Lands and Grounds, Tenements or Hereditaments, for or in respect whereof such Money shall be paid as aforesaid, were limited, settled, and assured, at the Time when such Money was so agreed for, ascertained, or assessed respectively as aforesaid, or for such and so many of such Uses as shall be existing, undetermined, and capable of taking Effect, and that such Conveyances and Settlements shall be made at the Expence of the said Company of Proprietors; and in the mean Time, and until such Purchase or Purchases shall be made, the said Money, and also such Sum or Sums of Money to be paid as aforesaid as shall not exceed Twenty Pounds, shall be placed out by such Bodies Politick, Corporate, or Collegiate, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, Person or Persons as aforesaid, in some of the Publick Funds, or on Government or Real Securities, producing an Annual Interest, in the Names of Two or more Persons to be nominated by the Parties interested therein, and to be approved of by the said Commissioners, and the Interest arising or to be produced from any such Funds or Securities, and also the Annual Rent for such Lands and Grounds, Mills, Tenements, and Hereditaments, where a Rent shall be fixed upon as aforesaid, shall be paid to such Person or Persons respectively as would have been entitled for the Time being to the Rents and Profits of such Lands and other Premises so to be purchased, in case the same had been purchased and settled pursuant to the Tenor and true Meaning of this Act; and the said Commissioners shall and are hereby impowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages which shall be so agreed for, determined, and adjusted or assessed in Manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest, in the Premises, for such his, her, or their respective Interests therein.

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

XXVI. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves, in such Proportions as they shall think proper, a competent Sum of Money for making and completing the said Canal and Collateral Cuts, and the Reservoirs, Feeders, Ways, Quays, Wharfs, and other Works and Conveniencies belonging or requisite thereto, not exceeding in the Whole the Sum of Seventy-two thousand Pounds, (except as herein-after mentioned), and that the same shall be divided into Shares of One hundred Pounds each, and the said Shares shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number

Proprietors to raise Money amongst themselves for the Purposes of the Act.

Number to be appointed for the ſame, and that all the ſaid Shares ſhall be and are hereby veſted in the ſeveral Perſons ſo raiſing and contributing the ſame, and their ſeveral and reſpective Executors, Adminiſtrators, Succeſſors, and Aſſigns, to their and every of their proper Uſe and Benefit, proportionably to the Sums they ſhall ſeverally raiſe and contribute, and all Bodies Politick, Corporate, and Collegiate, and all Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe for One or more Share or Shares, or ſuch Sum or Sums as ſhall be demanded in lieu thereof, towards carrying on and completing the ſaid Navigation, and other the Purpoſes of the ſaid Subſcription, ſhall be entitled to and receive, after the ſaid Navigation ſhall be completed, the entire and net Diſtribution of an equal and proportionable Part, according to the Money ſo by them reſpectively paid, of the Profits and Advantages that ſhall and may ariſe and accrue by the Rates and other Sums of Money to be raiſed, recovered, or received, by the ſaid Company of Proprietors by the Authority of this Act; and every Body Politick, Corporate, and Collegiate, Perſon and Perſons, having ſuch Property in the ſaid Undertaking as aforeſaid, ſhall bear and pay a proportionable Sum towards carrying on the ſame, in Manner herein directed and appointed; and that all and every the Shares and Proportions of all Bodies Politick, Corporate, and Collegiate, and all other Perſon and Perſons, of and in the ſaid Navigation, or the Joint Stock or Fund of the ſaid Company of Proprietors, ſhall be deemed Perſonal Eſtate, and tranſmiſſible as ſuch, and not of the Nature of Real Property.

Proprietors to receive 5 *l. per Centum* until Canal is finiſhed.

XXVII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required, out of the Money to be raiſed as aforeſaid, during the Time the ſaid Canal and Collateral Cuts, and all Things neceſſary for making, completing, and maintaining, the ſame ſhall be carried on, and until the ſame ſhall be completed and finiſhed, to pay unto every Body Politick, Corporate, or Collegiate, and to the ſeveral other Perſons, their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, who ſhall ſeverally ſubſcribe and pay in any Sum or Sums of Money towards carrying on and completing the ſaid Navigation, Intereſt for the Money ſo ſubſcribed and paid after the Rate of Five Pounds *per Centum per Annum*, from the Time that each of ſuch Sums ſhall be reſpectively advanced and paid in purſuance of this Act.

Subſcribers to have a Vote for every One hundred Pounds.

XXVIII. And be it further enacted, That every Body Politick, Corporate, or Collegiate, and every Perſon who ſhall by virtue of this Act have ſubſcribed or undertaken to pay One hundred Pounds or upwards towards the Joint Stock of the ſaid Company of Proprietors, his, her, or their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall have a Vote for every One hundred Pounds (but not exceeding Twenty Votes in the Whole) in the ſtated and Special General Aſſemblies to be held as herein appointed for carrying on the ſaid Undertaking, which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, conſtituted under the Seal of ſuch Body Politick, Corporate, or Collegiate, or the Hand and Seal of ſuch other

Perſon, every ſuch Proxy being a Proprietor in the ſaid Undertaking, and every ſuch Vote by Proxy ſhall be as good and ſufficient to all Intents and Purpoſes as if ſuch Principal had voted in Perſon; and every Queſtion, Matter, or Thing, which ſhall be propoſed, diſcuſſed, or conſidered, in any ſtated or Special General Aſſembly of the ſaid Company of Proprietors, ſhall be determined by the Majority of Votes and Proxies then preſent, computing One Vote to every One hundred Pounds Joint Stock in, or Subſcription to, the ſaid Undertaking: Provided nevertheleſs, that no Perſon ſhall act as Proxy for more than Five abſent Proprietors; the Appointment of which Proxies ſhall or may be made according to the Form following:

Form of Appointment of Proxies.

'I *A. B.* of One of the Proprietors of the *Montgomeryſhire* Canal, being poſſeſſed of, or entitled to the Sum of in the Joint Stock or Subſcription to the ſaid Navigation, do hereby nominate, conſtitute, and appoint, *C. D.* of to be my Proxy, in my Name and in my Abſence to vote or give my Aſſent or Diſſent to any Buſineſs, Matter, or Thing, relating to the ſaid Navigation, that ſhall be mentioned or propoſed at any Aſſembly of the Company of Proprietors of the ſaid Navigation, in ſuch Manner as he the ſaid *C. D.* ſhall think proper, according to his Opinion and Judgement, for the Benefit of the ſaid Navigation, or any Thing appertaining thereto.

'In Witneſs whereof I have hereunto ſet my Hand and Seal the Day of

And at every General Aſſembly of the Company of Proprietors One of the Proprietors preſent ſhall be appointed Chairman, and ſhall not only have a Vote as a Proprietor or Proxy, but in caſe of an Equality of Votes ſhall have the deciſive or caſting Vote, although he may have given One Vote for himſelf as a Proprietor, or One or more Votes for the Perſons by whom he may have been appointed Proxy in relation to the Matter in Queſtion.

Proxies to remain in Force till otherwiſe declared.

XXIX. And be it further enacted, That every Appointment of a Proxy for the Purpoſe aforeſaid, ſhall remain in Force until the ſame ſhall be revoked or declared to be void by Writing to be delivered to the Clerk to the ſaid Company of Proprietors, under the Hand of the Perſon who ſhall have made ſuch Appointment, but no longer, notwithſtanding ſuch Perſon may, after making ſuch Appointment, have attended and voted at any Aſſembly of the ſaid Company of Proprietors; which Writing may be according to the Form following:

'I *A. B.* do hereby declare the Appointment by me made of *C. D.* to be my Proxy for the Purpoſe of voting and acting for me, or in my Name, at the Aſſemblies of the Company of Proprietors of the *Montgomeryſhire* Canal Navigation, to be from henceforth void and of none Effect; as Witneſs my Hand and Seal, this

'Day of

Proprietors may raiſe an additional Sum amongſt themſelves if neceſſary.

XXX. And be it further enacted, That in caſe the Money hereinbefore authorized to be raiſed ſhall be found inſufficient for the making, completing, and maintaining, of the ſaid Canal and Collateral Cuts, and other the Works hereby authorized to be made, and all neceſſary Charges and Expences thereto relating, then it ſhall be lawful for the ſaid Company of Proprietors to raiſe and contribute amongſt themſelves in Manner and Form aforeſaid, and in ſuch Shares and Proportions as to them ſhall ſeem meet, or to raiſe, by the Admiſſion of new Subſcribers, any further or other Sum of Money for completing and perfecting the ſaid Undertaking, not exceeding the Sum of Twenty thouſand Pounds; and every Body Politick, Corporate, or Collegiate, or other Perſon being a Subſcriber towards raiſing ſuch further or other Sum of Money, ſhall be a Proprietor in the ſaid Undertaking, and have a like Vote by themſelves, himſelf, or herſelf, or their, his, or her Proxies or Proxy in reſpect of every One hundred Pounds of the ſaid additional Sum to be raiſed, and ſhall alſo be liable to ſuch Forfeitures, and ſtand intereſted in all the Profits of the ſaid Navigation, in Proportion to the Sum they, he, or ſhe, ſhall or may ſubſcribe thereunto, as generally and extenſively, to all Intents and Purpoſes, as if ſuch further or other Sum hereby allowed to be ſubſcribed for and raiſed had originally been Part of the ſaid Sum of Seventy-two thouſand Pounds.

Power to raiſe Money by Mortgage.

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

'BY virtue of an Act of Parliament, made in the Thirty-fourth Year of the Reign of King *George* the Third, intituled, [*ſet forth the Title of the Act*] we, the Company of Proprietors of the ſaid Canal, incorporated by and under the ſaid Act, in Conſideration of the Sum of to us in Hand, paid by *A. B.* of do hereby bargain, ſell, and aſſign, unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, the ſaid Navigation, and all and ſingular the Rates ariſing and payable to us by virtue of this Act, and all our Eſtate, Right, Title, and Intereſt of, in, and to the ſame, to hold unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of with Intereſt

'tereſt for the ſame after the Rate of *per Centum per*
'*Annum* ſhall be fully paid and ſatisfied.
'Given under our Common Seal this
'Day of

And all Perſons to whom ſuch Aſſignments ſhall be made, ſhall be equally entitled one with the other to their Proportion of the ſaid Navigation and Rates, according to the reſpective Sums in ſuch Aſſignment mentioned to be advanced, without any Preference by reaſon of Priority of any ſuch Aſſignments, or on any other Account; and a Memorial of every ſuch Aſſignment, containing the Date, Name or Names, Addition or Additions, of the Perſon or Perſons to whom made, the Sum of Money borrowed, and Rate of Intereſt, ſhall, within Twenty-one Days from the Date of every ſuch Aſſignment, be entered in One or more Book or Books, to be kept by the Clerk to the ſaid Company of Proprietors, which Book or Books ſhall and may be peruſed at all reaſonable Times by any of the Proprietors or Creditors of the ſaid Navigation, and any other Perſons intereſted therein, without Fee or Reward; and the Perſon or Perſons to whom any ſuch Aſſignment ſhall be made as aforeſaid, or who ſhall be entitled to the Money due thereon, ſhall and may from Time to Time transfer his, her, or their Right or Intereſt therein, to any Perſon or Perſons, by Writing under his, her, or their Hand and Seal, or Hands and Seals, in the Form or to the Effect following;

'I *A. B.* in Conſideration of the Sum
'of paid by *C. D.* of
'do hereby transfer a certain Mortgage made by the Company of Pro-
'prietors of the *Montgomeryſhire* Canal, to
'bearing Date the Day of
'for ſecuring the Sum of and all Intereſt
'now due and to become due thereon, and all my Right and Property
'therein to the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns.
'Dated this Day of

And every ſuch Transfer ſhall, within Twenty-one Days after the Date thereof, be produced to the Clerk of the ſaid Company of Proprietors, who ſhall cauſe a Memorial to be made thereof in like Manner as of the original Mortgages or Aſſignments, for which the ſaid Clerk ſhall be paid the Sum of One Shilling and Sixpence, and every ſuch Entry made of ſuch Transfer, ſhall from thenceforth entitle ſuch Aſſignee or Aſſignees, his, her, or their Executors, Adminiſtrators, and Aſſigns, to the full Benefit of the original Mortgage, and it ſhall not from thenceforth be in the Power of any Perſon or Perſons who ſhall have made any ſuch Aſſignment to make void, releaſe, or diſcharge, the original Mortgage, or any Money thereby ſecured, or any Part thereof; and the Intereſt of the Money which ſhall be borrowed or raiſed by Mortgage as aforeſaid, ſhall be provided for and paid Half-yearly to the ſeveral Perſons entitled thereto, before any Yearly or other Intereſt and Dividends due to the ſaid Company of Proprietors, or any of them, ſhall be paid, made, or divided: Provided always, That no Perſon to whom any ſuch Aſſignment

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

Assignees not to vote on Account of having lent Money.

ment shall be made or transferred as aforesaid, shall be capable of acting or voting by virtue of such Assignment, either as Principal or by Proxy, at any Assembly or Meeting of the said Company of Proprietors for or on Account of his or her having lent or advanced any Money on the Credit of any such Assignment.

First and other General Assemblies.

XXXII. And be it further enacted, That the First Meeting or General Assembly of the said Company of Proprietors for putting this Act into Execution, shall be held at the Sign of the *Royal Oak* in the Town of *Pool* aforesaid, upon the Seventh Day of *July* One thousand seven hundred and ninety-four, at Eleven of the Clock in the Forenoon, and the Second General Assembly of the said Company of Proprietors shall be held upon the Twenty-eighth Day of the same Month of *July*, at such Place and Hour as the said Company of Proprietors at their said First General Assemby shall appoint, and all further General Assemblies of the said Company of Proprietors (except such Special General Assemblies as herein-after mentioned) shall be held on the First Monday in the Month of *July* in every Year, at Eleven of the Clock in the Forenoon, at such Place as the said Company of Proprietors, at their preceding General Assemblies respectively, shall from Time to Time direct and appoint; of which General Assemblies Twenty-one Days previous Notice at the least shall be given, by publick Advertisement in one or both of the *Shrewsbury* Newspapers and the *General Evening Post*, or in some other Two Newspapers usually circulating in the Country through which the said Canal and Collateral Cuts, or some of them, shall pass, and in such other Manner as the said Company of Proprietors at their respective General Assemblies shall direct; and the said Company of Proprietors, together with such Proxies as shall be present at such respective General Meetings, shall chuse and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Stock to the Amount of Five hundred Pounds at the least in the said Navigation, a Committee to manage the Affairs of the said Company of Proprietors as herein directed, to consist of Thirteen Persons; and the said Company of Proprietors shall have Power and Authority at any such General Assembly to remove and displace any Person who shall have been chosen a Member of any such Committee, or any Officer under them, and to revoke, alter, amend, or change, any of the Rules and Directions which may have been prescribed and laid down by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper, (the Method of calling Special or General Assemblies, and their Time and Place of meeting and voting, and appointing Committees, only excepted), and shall have Power to make such Rules, Bye Laws, and Orders, for the good Government of the said Company, and the said Committee, and their Servants, Agents, or Workmen, and for the whole, complete, and total, Superintendance and Management of the said Navigation, and of the Bargemen, Watermen, Boatmen, and others who shall carry any Goods, Wares, or Merchandize, upon any Part of the said Navigation, as to the said General Assemblies shall seem meet, and to impose and inflict such reasonable Fines or Forfeitures upon all Persons who shall offend against any such Rules, Bye Laws, or Orders, as to such General Assemblies shall seem meet, not exceeding the Sum of Five Pounds for any One Offence;

which ſaid Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the ſaid Company of Proprietors, ſhall be binding upon and obſerved by all Parties uſing or in any Way concerned in the ſaid Navigation, and ſhall be ſufficient, in any Court of Law or Equity, to juſtify all Perſons who ſhall act under the ſame, provided that they be not inconſiſtent with or repugnant to the Laws of this Realm, or to the Proviſions and Directions in this Act contained, or to any of them; and all ſuch General Aſſemblies ſhall have Power to call for, adjuſt, audit, and ſettle, all Accounts of Money received, laid out, and diſburſed, on Account of the ſaid Navigation, and Works thereto belonging, but no Vote or Votes by Proxy ſhall be given in, or have any Power as to the auditing and Settlement of Accounts; and the ſaid Company of Proprietors ſhall have Power to adjourn themſelves from Time to Time to ſuch Place or Places as ſhall at ſuch General Aſſemblies be thought proper and convenient.

XXXIII. Provided always, and be it further enacted, That if at any ſuch General Aſſembly there ſhall not be Perſons preſent who ſhall be poſſeſſed of or entitled unto at leaſt Five hundred Shares or upwards in the ſaid Navigation, either as Principals or Proxies, no Choice of a Committee, nor any Removal of any Perſon or Perſons from any ſuch Committee, nor any Election of any Perſon or Perſons in the Room of ſuch of the Members of any Committee who ſhall die or decline to act ſhall be made at that Time, but in ſuch Caſe there ſhall be another Aſſembly of the ſaid Company of Proprietors of the ſaid Navigation at the ſame Place upon that Day Fortnight, and ſo from Time to Time until there ſhall be Perſons preſent at ſuch Aſſembly having ſuch Number of Shares or ſuch Amount of ſuch Subſcriptions as aforeſaid, and ſuch Choice, Removal, or new Appointment, of any Member of any ſuch Committee ſhall then take place, and not before; and the Perſons then choſen to be of any ſuch Committee, ſhall have the ſame Powers which they would have had, and ſhall continue in ſuch Office until ſuch Time as they would have done had they been choſen by any ſuch ſtated General Aſſembly on the Day firſt appointed for holding the ſame; and in caſe of Failure of the aſſembling of a ſufficient Number of Proprietors having ſuch Shares or Subſcriptions as Principals or Proxies at ſuch ſtated General Aſſembly as aforeſaid, every Proprietor who ſhall not attend ſuch Second or adjourned Aſſembly, in Perſon or by Proxy, ſhall forfeit to the ſaid Company of Proprietors, for every Share or Subſcription of One hundred Pounds which he or ſhe ſhall poſſeſs in the ſaid Navigation or Undertaking, the Sum of Ten Shillings, to be deducted out of his or her next ſucceeding Payment of Intereſt, or Dividends of the Profits of the ſaid Undertaking, as the Caſe may happen, and in caſe no Intereſt or Dividends ſhall be payable to ſuch Perſon or Perſons making Default as aforeſaid, then the Payment of the ſaid Forfeiture of Ten Shillings may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures impoſed by this Act.

XXXIV. And be it further enacted, That if it ſhall at any Time appear, that for the more effectually putting this Act into Execution, a Special

Special Aſſemblies of Proprietors.

Special General Aſſembly of the ſaid Company of Proprietors is neceſſary to be held, it ſhall be lawful for any Five or more of the ſaid Proprietors, who may each of them be poſſeſſed of or entitled unto Five Shares or Subſcriptions of One hundred Pounds or upwards at the leaſt in the ſaid Navigation, to cauſe Twenty-one Days Notice at leaſt to be given thereof in one or both of the *Shrewſbury* Newſpapers, or in ſome other Newſpaper uſually circulated in the Country through which the ſaid Canal and Collateral Cuts ſhall paſs, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct or appoint, ſpecifying in ſuch Notice the Reaſon and Intention of requeſting ſuch Special Aſſembly, and the Time when, and Place where, the ſame ſhall be held, (which Place ſhall be within Six Miles of the ſaid Canal and Collateral Cuts, or ſome of them), and the ſaid Proprietors are hereby authorized to meet purſuant to ſuch Notice, and ſuch of them as ſhall be preſent ſhall proceed to the Execution of the Powers by this Act given to the ſaid Company of Proprietors, with reſpect to the Matter ſo ſpecified only, and all ſuch Acts of the Proprietors, or of the major Part of them met together at every ſuch Special General Aſſembly, (provided ſuch major Part ſhall be poſſeſſed of at leaſt One hundred Shares or Subſcriptions of One hundred Pounds in the ſaid Navigation, either as Principals or Proxies), ſhall be as valid, with reſpect to the Matters ſpecified in ſuch Notice, as if the ſame had been done at any ſtated General Aſſembly.

General Aſſembly to elect and appoint Officers.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors at any General Aſſembly, and they are hereby authorized and required, from Time to Time, to nominate and appoint, by Writing under their Hands, or the Common Seal of the ſaid Company of Proprietors, a Treaſurer and Clerk, and ſuch Collectors of the Rates herein-after granted, and other Officers, as they ſhall think neceſſary, taking ſuch Security for the due Execution of their reſpective Offices as the ſaid Company of Proprietors ſhall think proper; and ſuch Clerk ſhall, in a proper Book to be provided by the ſaid Company of Proprietors for that Purpoſe, enter and keep a true and perfect Account of the Names and Places of Abode of the ſeveral Proprietors of the ſaid Navigation, and of the ſeveral Perſon and Perſons who ſhall from Time to Time become Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Tranſactions, of the ſaid Company of Proprietors and Committees reſpectively, and each of the ſaid Proprietors of the ſaid Navigation ſhall and may at all convenient Times have Recourſe to and peruſe and inſpect the ſame, and alſo the Book to be kept by the Clerk to the ſaid Commiſſioners, *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words ſo to be copied, the Sum of Sixpence, and if any ſuch Clerk ſhall refuſe to permit any Proprietor ſo intereſted as aforeſaid to inſpect and peruſe ſuch Book of Proceedings at all convenient Times and Seaſons, or refuſe to make any ſuch Copy or Copies at the Rate or Price aforeſaid, he ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds; and in caſe any ſuch Treaſurer, Collector, Clerk, or other Officer, ſhall die or quit the Service of the ſaid Company of Proprietors, or by Reaſon of any Negligence, Miſconduct, or Inability, in

ſuch Treaſurer, Collector, Clerk, or other Officer, to execute ſuch Office, it ſhall be requiſite to diſplace or remove him, then and in every ſuch Caſe, it ſhall be lawful for the Proprietors aſſembled at any ſuch ſtated or Special General Aſſembly as aforeſaid, or for the Committee of the ſaid Proprietors, to remove any ſuch Treaſurer, Collector, Clerk, or other Officer, and to appoint any other fit Perſon to execute ſuch Office in the Place of the Perſon who ſhall ſo die, be removed from, or quit, the Service of the ſaid Proprietors; but in caſe any new Appointment be made by the ſaid Committee, the ſame ſhall only continue until the next ſtated or Special General Aſſembly of the ſaid Proprietors, when the Appointment of ſuch Perſon to ſuch Office ſhall either be confirmed, or ſuch other fit Perſon appointed to ſucceed to ſuch Office as the ſaid Proprietors at ſuch ſtated or Special General Aſſembly may think proper.

Powers of the Committee, and Regulations reſpecting the ſame.

XXXVI. And be it further enacted, That no Member of the ſaid Committee, (although he may be a Proprietor of many Shares in the ſaid Navigation), ſhall have more than One Vote in any Committee, except the Chairman, who ſhall be choſen by and out of the ſaid Committee, and who, in caſe of an Equality of Votes upon any Queſtion which may be agitated in the ſaid Committee, ſhall have the caſting Vote although he may have given One Vote before; and that all the Powers and Authorities hereby veſted in or directed to be exerciſed by the ſaid Committee, may be done and exerciſed by the major Part of them preſent at their reſpective Meetings, the whole Number preſent not being leſs than Five; and every ſuch Committee ſhall from Time to Time make Report of their Proceedings to the ſaid ſtated General Aſſemblies, and, if required, to the ſaid Special General Aſſemblies of the Proprietors, and ſhall obey their Orders and Directions; and the ſaid Committee ſhall (ſubject nevertheleſs at all Times to ſuch Orders and Directions as aforeſaid) meet at ſuch Times and Places, and ſhall from Time to Time adjourn themſelves to ſuch other Times and Places as they ſhall think fit; but no Perſon holding any Place, Office, or Employment, under the ſaid Company ſhall be capable of being choſen to ſerve upon any Committee during the Time of his Continuance in ſuch Place, Office, or Employment; and in order to defray the Expences of their Meetings the ſaid Committee ſhall from Time to Time receive, out of the Capital Stock of the ſaid Proprietors, ſuch Sum or Sums of Money as ſhall be directed, adjuſted, and ſettled, at ſuch ſtated General Aſſemblies; and the ſaid Committee (ſubject nevertheleſs at all Times to ſuch Orders and Directions as aforeſaid) ſhall make Agreements and Bargains with the Workmen, Agents, Undertakers, and other Perſons employed or concerned in making and completing the ſaid Navigation, and all and every Part and Parts thereof, and ſhall, by themſelves or their Clerk aforeſaid, keep a full and true Account of all Money diſburſed and Payments made by the ſaid Committee, and by all and every Perſon and Perſons employed by and under them, and of all and every Sum and Sums of Money which they ſhall receive on Behalf or in reſpect of ſuch Navigation from any Collector or Collectors of the ſaid Rates, or other Officer or Officers, or from any other Perſon or Perſons employed in or having any Concerns, Dealings, or Tranſactions, with the ſaid Navigation and

and Undertaking, or in or with any Part or Parts thereof, and ſhall regularly, by themſelves or their Clerk, write, inſert, and enter into a Book to be from Time to Time provided at the Expence of the ſaid Company of Proprietors for that Purpoſe, Notes, Minutes, or Copies, as the Caſe ſhall require, of every ſuch Contract, Bargain, Receipt, and Diſburſement, and of all their Orders and Proceedings, which Book ſhall be depoſited with, and kept locked up under the Care and Direction of the ſaid Committee; but every Proprietor, upon every reaſonable Deſire, ſhall have free Acceſs thereto as herein-before mentioned, for his or her Inſpection; and the ſaid Committee ſhall alſo have Power from Time to Time to make ſuch Call or Calls of Money from the Subſcribers to and the Proprietors of the ſaid Navigation, to defray the Expences of or to carry on the ſaid Canal and other Works, 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 ſuch Calls ſhall be made within the Diſtance of Two Calendar Months of each other, and Twenty-eight Days Notice at the leaſt ſhall be given of all ſuch Calls as aforeſaid, by Advertiſement in one or both of the *Shrewſbury* Newſpapers, or ſome other Newſpaper circulating in the County of *Montgomery*; and ſuch Committee ſhall (ſubject nevertheleſs to the Orders and Directions of ſuch General Aſſemblies as aforeſaid) have full Power and Authority to direct and manage all and every the Affairs of the ſaid Company of Proprietors, as well in contracting for and purchaſing Meſſuages, Lands, Tenements, and other Hereditaments, and Materials for the Uſe of the ſaid Navigation, as in employing, ordering, and directing, the Works and Workmen, and in placing and diſplacing Under Officers, Clerks, Servants, and Agents, and in making and confirming all Contracts and Bargains touching the ſaid Undertaking; and all Owners of Shares in the ſaid Undertaking ſhall pay their rateable Proportions of the Monies to be called for as aforeſaid, to ſuch Perſon or Perſons, and at ſuch Times and Place as the ſaid Committee ſhall from Time to Time direct and appoint; and if any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable or proportionable Part of the ſaid Money ſo called for as aforeſaid, at the Time and Place appointed by ſuch Committee, or within Ten Days next enſuing, he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit a Sum not exceeding Five Pounds for every Share; and in caſe ſuch Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their rateable Calls as aforeſaid, for the Space of Six Calendar Months next after the Time ſo appointed for Payment thereof, then he, ſhe, or they, ſo neglecting or refuſing, ſhall forfeit his, her, or their Share or Shares in the ſaid Navigation, and all the Profits and Benefits thereof, all which ſaid Shares ſo forfeited ſhall be veſted in the ſaid Company of Proprietors of the ſaid Navigation, in Truſt for and for the Benefit of all the Reſt of the ſaid Proprietors, in Proportion to their reſpective Intereſts in the ſaid Navigation, or ſhall, at the Diſcretion of the ſaid ſtated or Special General Aſſemblies, be publickly ſold for the Uſe of the Reſt of the ſaid Proprietors: Provided nevertheleſs, that no Advantage ſhall be taken of the Forfeiture of any Share in the ſaid Navigation until Perſonal Notice ſhall have been given to or left at the uſual Place or Places of Abode of the Owner or Owners of ſuch Share, and the ſame

Committees to make Calls.

No Advantage to be taken of Forfeiture without Perſonal Notice.

ſame Share ſhall likewiſe be declared to be forfeited at ſome ſtated or Special General Aſſembly of the ſaid Company of Proprietors, within Six Calendar Months next after ſuch Forfeiture ſhall have been incurred.

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

XXXVII. And be it further enacted, That if the Owner or Owners of any Share in the ſaid Navigation ſhall die before ſuch Call or Calls ſhall have been made for the full Sum to be advanced on any Share which he, ſhe, or they, ſhall have been poſſeſſed of or entitled to, without having made Proviſion by Will, or otherwiſe, for the Diſpoſal of ſuch Share, and for the Payment of the future Calls in reſpect thereof to the ſaid Company of Proprietors; then and in ſuch Caſe the Executors or Adminiſtrators of any ſuch Owners ſo dying, or the Truſtee or Truſtees, Committee or Committees, of any Lunatick, Guardian or Guardians of any Infant, or of any other Perſon entitled to the Eſtate and Effects of ſuch deceaſed Owner, ſhall be indemnified againſt ſuch Infant, and againſt all and every other Perſon and Perſons, for or on Account of his, her, or their having paid any Sum or Sums of Money when called for as aforeſaid, to complete any ſuch Subſcription; and if any ſuch deceaſed Owner ſhall not have left Aſſets ſufficient, or in caſe the Executors or Adminiſtrators, Truſtee or Truſtees, Committee or Committees, Guardian or Guardians, ſhall refuſe or neglect to anſwer ſuch Calls, the ſaid Company of Proprietors ſhall be, and are hereby authorized and required to admit any other Perſon or Perſons to be Proprietor or Proprietors of the Share of ſuch deceaſed Owner, 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 to the Truſtee or Truſtees, Guardian or Guardians, of any ſuch Infant, or to any other Perſon or Perſons who may be entitled to his or her Effects, the full Sum 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 ſuch other Sum or Sums of Money as the ſame can be ſold for; and in caſe no Perſon ſhall be found who is willing to be admitted on ſuch Condition as aforeſaid, then and in ſuch Caſe ſuch Share ſhall be forfeited to, and become veſted in, the Reſt of the ſaid Company of Proprietors of the ſaid Navigation, in Truſt for, and for the equal Benefit of all the Reſt of the ſaid Proprietors, in Proportion to their reſpective Intereſts in the ſaid Navigation, and ſhall be ſubject to be ſold and diſpoſed of in like Manner as other forfeited Shares may be ſold and diſpoſed of by virtue of this Act.

Shares may be ſold.

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

'I *A. B.* in Conſideration of paid
'to me by *C. D.* do hereby bargain, ſell, aſſign, and transfer to the
'ſaid *C. D.* the Sum of Capital Stock of
'and

'and in the *Montgomeryſhire* Canal Navigation, being Part [*or*, the 'Whole, *as the Caſe may be*] of my Share in the ſaid Navigation, to 'hold to the ſaid *C. D.* his Executors, Adminiſtrators, and Aſſigns, 'ſubject to the ſame Rules, Orders, and Reſtrictions, and on the ſame 'Conditions that I held the ſame immediately before the Execution 'hereof: And I the ſaid *C. D.* do hereby agree to take and accept the 'ſaid Capital Stock or Share of ſubject to the ſame 'Rules, Orders, Reſtrictions, and Conditions. As Witneſs our Hands 'and Seals, the Day of

And on every ſuch Sale the ſaid Deed of Conveyance (being executed by the Seller or Sellers, and the Purchaſer or Purchaſers of ſuch Share or Shares) ſhall be kept by the ſaid Purchaſer or Purchaſers for his, her, or their Security, after the Clerk to the ſaid Company of Proprietors ſhall have entered, in a Book to be kept for that Purpoſe, a Memorial of ſuch Transfer and Sale for the Uſe of the ſaid Company, and have teſtified or indorſed the Entry of ſuch Memorial on the ſaid Deed of Sale or Transfer, for which no more than One Shilling ſhall be paid, and the ſaid Clerk is hereby required to make ſuch Entry or Memorial accordingly, and until ſuch Memorial ſhall have been made and entered as above directed, ſuch Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Navigation, nor any Intereſt for ſuch Share or Shares paid to him, her, or them, nor any Vote in reſpect thereof as a Proprietor or Proprietors of the ſaid Navigation.

After a Call, no Share to be ſold until ſuch Call ſhall be paid.

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

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

XL. And, for the better Security of the ſeveral Proprietors of the ſaid Undertaking to their reſpective Shares therein; be it further enacted, That the ſaid Company of Proprietors ſhall, and are hereby required, at their Second or ſome ſubſequent General Aſſembly, to cauſe the Names and proper Additions of the ſeveral Perſons who ſhall then be entitled to the Shares in the ſaid Undertaking, with the Number of the Shares or the Amount of all the Subſcriptions which they are then reſpectively entitled to hold, and alſo the proper Number by which every Share ſhall be diſtinguiſhed, to be fairly and diſtinctly entered in a Book to be kept by the Clerk to the ſaid Company of Proprietors, and after ſuch Entry, to cauſe their Common Seal to be affixed thereto, and ſhall alſo cauſe a Ticket or Inſtrument, with the Common Seal of the ſaid Company affixed thereto, to be delivered to every ſuch Subſcriber upon Demand, ſpecifying the Share or Shares to which he or ſhe is entitled in the ſaid Undertaking, every ſuch Proprietor paying to the Clerk One Shilling,

and no more, for every ſuch Ticket or Inſtrument, and every ſuch Ticket or Inſtrument ſhall be admitted in all Courts whatſoever as Evidence of the Title of ſuch Subſcriber, his or her Executors, Adminiſtrators, and Aſſigns, to the Share or Shares therein ſpecified, but the Want of ſuch Ticket or Inſtrument ſhall not hinder or prevent the Owner of any of the ſaid Shares from ſelling or diſpoſing thereof.

Rates. XLI. And, in conſideration of the great Charge and Expence which the ſaid Company of Proprietors muſt incur, and will ſuſtain, in making and maintaining the ſaid Canal and Collateral Cuts, and other Works hereby authorized to be made and maintained; be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, and at all Times hereafter, to aſk, demand, take, recover, and receive, to and for their own proper Uſe and Benefit, for the Tonnage and Wharfage of all Lime Stone, Lime, Coal, Stone, Timber, and other Goods, Merchandize, Matters, and Things, which ſhall be navigated, carried, or conveyed, upon the ſaid Canal and Collateral Cuts, or any of them, (except between *Llivior Brook*, on the Weſtern Side of the Townſhip of *Garthmill*, and *Newtown* aforeſaid), the ſeveral Rates herein-after mentioned; (that is to ſay),

For all Lime Stone, the Sum of One Penny Halfpenny *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

For all Coal, Culm, and Lime, the Sum of Two-pence Farthing *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

For all other Stone, and all Pig Iron, Brick, Timber, Tiles, Slates, Gravel, Sand, Lead Ore, Iron Ore, and all other Raw Minerals, the Sum of Three-pence *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

For all Bark, Cordwood, Coak, Charcoal, Lead, Wrought Iron, Baulk, and Deals, the Sum of Three-pence Halfpenny *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

And for all other Goods, Wares, Merchandize, Matters, and Things, the Sum of Four-pence *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

And for the Tonnage and Wharfage of all Lime Stone, Lime, Coal, Stone, Timber, and other Goods, Merchandize, Matters, and Things, which ſhall be navigated, carried, or conveyed, upon the ſaid Canal between *Llivior Brook*, on the Weſtern Side of the ſaid Townſhip of *Garthmill*, and *Newtown* aforeſaid, the ſeveral Rates herein-after mentioned; (that is to ſay),

For all Lime Stone, the Sum of Two-pence Farthing *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

For all Coal, Culm, and Lime, the Sum of Three-pence *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

For all Stone, Pig Iron, Brick, Timber, Tiles, Slates, Gravel, Sand, Lead Ore, Iron Ore, and all other Raw Minerals, the Sum of Five-

pence

pence *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

For all Bark, Cordwood, Coak, Charcoal, Lead, Wrought Iron, Baulk, and Deals, the Sum of Five-pence Halfpenny *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

And for all other Goods, Wares, Merchandize, Matters, and Things, the Sum of Sixpence *per* Ton *per* Mile, and ſo in Proportion for any leſs Quantity than a Ton:

And in all Caſes where there ſhall be a Fraction of a Mile in the Diſtance which any Boat, Barge, or other Veſſel, ſhall be navigated or paſs upon the ſaid Canal and Collateral Cuts, or any of them, ſuch Fraction ſhall, in aſcertaining the ſaid Rates, be deemed and conſidered as follows; *videlicet*, if ſuch Fraction ſhall be more than Three Quarters of a Mile, the ſame ſhall be deemed and conſidered as Three Quarters of a Mile; if leſs than Three Quarters of a Mile, and not leſs than Half a Mile, the ſame ſhall be deemed and conſidered as Half a Mile; if leſs than Half a Mile, and not leſs than a Quarter of a Mile, the ſame ſhall be deemed and conſidered as a Quarter of a Mile; and if leſs than a Quarter of a Mile, no Rate ſhall be payable for ſuch Fraction; and in order the better to aſcertain ſuch Diſtances as aforeſaid, the ſaid Company of Proprietors ſhall cauſe the ſaid Canal and Cuts to be meaſured, and Stones or Poſts, with proper Inſcriptions thereon, to be erected, and for ever after maintained on the Sides of the ſaid Canal and Cuts reſpectively, at the Diſtance of One Mile from each other, or at ſuch leſs Diſtances as the ſaid Company of Proprietors or their Committee ſhall think fit; all which ſaid Rates ſhall be paid to ſuch Perſon or Perſons, at ſuch Place or Places, at or near the ſaid Canal and Collateral Cuts, or any of them, in ſuch Manner, and under ſuch Regulations, as the ſaid Company of Proprietors, at ſome ſtated or Special General Aſſembly or Aſſemblies ſhall direct or appoint; and in caſe of Denial or Neglect of Payment of any ſuch Rates, or any Part thereof, on Demand, to the Perſon or Perſons appointed to receive the ſame as aforeſaid, the ſaid Company of Proprietors may ſue for the ſame by Action of Debt, or upon the Caſe, in any of His Majeſty's Courts of Record; or the Perſon or Perſons to whom ſuch Rates ought to have been paid, may, and he or they is and are hereby impowered to ſeize the Goods or other Things for or in reſpect whereof any ſuch Rates ought to have been paid, or any Part thereof, and the Boat or other Veſſel laden therewith, and detain the ſame until ſuch Payment ſhall be made, and alſo until Payment of all Arrears of the ſaid Rates which may be due from the Owner or Owners of ſuch Boat or Veſſel to the ſaid Company of Proprietors, together with reaſonable Charges for ſuch Seizure and Detention, and if ſuch Goods ſhall not be redeemed within Five Days next after the taking thereof, the ſame ſhall be appraiſed and ſold, as the Law directs in Caſes of Diſtreſs for Rent; and the ſaid Company of Proprietors ſhall have full Power, from Time to Time, at any General Aſſembly, to lower or reduce all or any of the ſaid Rates, and again to raiſe the ſame, as they ſhall think proper, to any Sums not exceeding the reſpective Rates before mentioned.

Rates may be altered.



XLII. And,

XLII. And, for the better aſcertaining the Tonnage of Stone, Timber, and other Goods, to be charged with the Payment of ſuch Rates as aforeſaid, and the Contents and Burthens of the Boats, Barges, and other Veſſels, carrying and conveying ſuch Stone, Timber, and other Goods, Matters, and Things, on the ſaid Canal and Collateral Cuts, be it further enacted and declared, That Fifty cubick Feet of round, or Forty cubick Feet of ſquare, Oak, Aſh, Elm, or Beech Timber, and Fifty cubick Feet of Fir or Deal Balk, Poplar, Birch, or other Timber or Wood, not cut into Scantlings, ſhall, for the Purpoſes of this Act, be reſpectively deemed, rated, and eſtimated, as and for One Ton Weight; and that One hundred and twenty Pounds Weight Avoirdupois of Coal, Coak, Culm, Lime, Free Stone, and Lime Stone, and One hundred and twelve Pounds Weight of all other Commodities, ſhall, for the Purpoſes of this Act, be deemed, rated, or eſtimated, as and for One hundred Weight; any Uſage of rating or eſtimating the ſame to the contrary hereof notwithſtanding. What Quantities of Timber and light Goods ſhall be deemed a Ton.

XLIII. Provided always, and be it further enacted, That none of the ſaid Rates ſhall be payable, demanded, or taken, by virtue of this Act, for or in reſpect of any Boat, Barge, or other Veſſel, laden with any Dung, Soil, Marl, Aſhes, or other Manure, (except Lime and Lime Stone), which ſhall be uſed for the Improvement only of the Lands and Grounds through which the ſaid Canal and Collateral Cuts, or any of them, or any Works thereto belonging, ſhall paſs or be made, or of ſuch Lands and Grounds which, on the Twenty-ninth Day of *September* One thouſand ſeven hundred and ninety-three, were occupied therewith; or for or in reſpect of any Stone, Gravel, Sand, or other Materials, to be employed for the Purpoſe only of making or repairing of any publick Roads in any of the Pariſhes through which the ſaid Canal and Collateral Cuts, or any of them, ſhall paſs; provided ſuch Dung, Soil, Marl, Aſhes, Manure, Gravel, Sand, or other Materials, do not paſs any Lock to be made by virtue of this Act, but at ſuch Time or Times when the Water ſhall flow over the Waſte Weir of ſuch Lock, and that the Perſon or Perſons who ſhall own or be concerned or employed in carrying ſuch Dung, Soil, Marl, Aſhes, Manure, Gravel, Sand, or other Materials, ſhall have free Liberty to make uſe of the Towing Paths, Wharfs, or Quays, belonging to the ſaid Company of Proprietors, ſuch Perſon or Perſons not ſuffering the Articles or Things aforeſaid to lie upon ſuch Wharfs or Quays longer than may be neceſſary for the loading, unloading, and conveying thereof from and to the ſeveral Places where the ſame ſhall be put on Board and unloaded: Provided alſo, that if any Perſon ſhall claim and take the Benefit of any ſuch Exemption, not being entitled thereto, or ſhall uſe or diſpoſe of any of the Articles for which any ſuch Exemption ſhall have been allowed in any other Manner than as before mentioned, he ſhall, for every ſuch Offence, forfeit any Sum not exceeding Ten Pounds, nor leſs than Forty Shillings. Exemptions.

XLIV. And, in order that the Benefits of the ſaid Navigation may be enjoyed by the Publick at as eaſy a Rate as the Expences and Riſk attending the Undertaking will reaſonably admit; be it further enacted, That Rates upon Lime Stone, Coal, and Lime, to be

reduced when the clear Profits amount to Ten Pounds *per Centum*.

That the ſaid Company of Proprietors ſhall cauſe to be entered in a Book a true and particular Account of the Charges and Expences attending the obtaining and paſſing of this Act, and of all Money already laid out, and which ſhall from Time to Time be laid out and expended, in or relating to the making, completing, and maintaining, of the ſaid Canal and Cuts, and the ſeveral Works thereto belonging, previous to and until the ſame ſhall be made and completed, and the ſaid Company of Proprietors ſhall alſo, from and after the ſaid Canal and Cuts, and other Works, ſhall be completed, cauſe a true and particular Account to be kept, and annually made up and balanced to the Twenty-fourth Day of *June*, of the Rates collected and received by virtue of this Act, and of the Charges and Expences attending the ſupporting, maintaining, and uſing, the ſaid Canal, Cuts, and other Works; and the total Amount of the ſaid firſt-mentioned Account, and alſo the total Amount of ſuch Annual Account as aforeſaid, ſhall be delivered by the Treaſurer to the ſaid Company of Proprietors to the Grand Jury at the Great Seſſion for the County of *Montgomery* next after the making up of every ſuch Annual Account, and the Truth of every ſuch Account ſhall be verified by the Oath of the Perſon delivering the ſame, (which Oath the Foreman of the Grand Jury is hereby impowered to adminiſter), and every ſuch Account, after being inſpected by the ſaid Grand Jury, ſhall be delivered to the Clerk of the Peace for the ſaid County, and by him depoſited and kept with the publick Records in his Cuſtody; and if by any ſuch Annual Account it ſhall appear to the ſaid Grand Jury that the clear Profits of the ſaid Navigation ſhall, in the Courſe of the Year ending the Twenty-fourth Day of *June* then next preceding, have amounted to the Rate of Ten Pounds *per Centum* of the Money which ſhall appear by the ſaid firſt-mentioned Account to have been laid out and expended as aforeſaid, then the ſaid Grand Jury ſhall and are hereby required, by Writing under their Hands, to direct the ſaid Company of Proprietors to reduce the Rates herein-before granted or made payable for or in reſpect of Lime Stone, Coals, and Lime, the Sum of One Farthing *per* Ton *per* Mile, ſuch Reduction to take place upon ſuch Day as ſhall for that Purpoſe be mentioned in ſuch Writing, and a Copy of ſuch Writing ſhall be forthwith delivered to the Treaſurer, Clerk, or principal Agent, to the ſaid Company of Proprietors, and ſuch Writing ſhall be afterwards depoſited with and kept by the Clerk of the Peace for the ſaid County, in like Manner as the ſaid Accounts; and that from and after the Day appointed by the ſaid Grand Jury upon which ſuch Reduction of the ſaid Rates is to take place as aforeſaid, the ſaid Company of Proprietors ſhall and are hereby required to make ſuch Reduction accordingly; and that if after ſuch Reduction as aforeſaid ſhall take place, it ſhall by any ſuch Annual Account as aforeſaid appear to the ſaid Grand Jury that the clear Profits of the ſaid Navigation ſhall, in the Courſe of the Year ending the Twenty-fourth Day of *June* then next preceding, have amounted to the Rate of Ten Pounds *per Centum* of the Money which ſhall appear by ſuch firſt-mentioned Account to have been laid out and expended as aforeſaid, then the ſaid Grand Jury ſhall, and are hereby required, by Writing under their Hands, to direct the ſaid Company of Proprietors to reduce the Rates herein-before granted or made payable for or in reſpect of Lime Stone, Coal, and Lime, One other Farthing *per* Ton *per* Mile; ſuch laſt-mentioned Reduction to take

place

place upon ſuch Day as ſhall for that Purpoſe be mentioned in ſuch Writing, and in like Manner a Copy of ſuch Writing ſhall be forthwith delivered to the Treaſurer, Clerk, or principal Agent, to the ſaid Company of Proprietors, and ſuch Writing ſhall be afterwards depoſited with and kept by the Clerk of the Peace for the ſaid County; and that from and after the Day appointed by the ſaid Grand Jury upon which ſuch laſt-mentioned Reduction of the ſaid Rates is to take place as aforeſaid, the ſaid Company of Proprietors ſhall and are hereby required to make ſuch Reduction accordingly; but no Reduction of any of the Rates by this Act granted and made payable ſhall be thereafter made, unleſs the Perſons entitled to Three Fourth Parts of the Shares in the ſaid Navigation ſhall conſent thereto, other than ſuch as ſhall have been reduced by Direction of the Grand Jury as aforeſaid, and afterwards again raiſed as herein-after mentioned; any Thing in this Act contained to the contrary hereof notwithſtanding.

If the Profits ſhould afterwards be leſs than Eight Pounds *per Centum*, thoſe Rates to be again raiſed.

XLV. Provided always, and be it further enacted, That if at any Time after the ſaid Rates ſhall have been reduced by Direction of the Grand Jury as aforeſaid, it ſhall appear to the ſaid Grand Jury by the ſaid Accounts, that the clear Profits ariſing to the ſaid Company of Proprietors from the ſaid Navigation ſhall, in the Year ending on the Twenty-fourth Day of *June* then next preceding, not have amounted to the Rate of Eight Pounds *per Centum* of the Money which ſhall appear by the ſaid firſt-mentioned Account to have been laid out and expended as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors, at a General or Special Aſſembly to be held for that Purpoſe, (of which Fourteen Days Notice at the leaſt ſhall be given in ſome Newſpaper publiſhed or circulated in the County of *Montgomery*), having the Authority of the ſaid Grand Jury for that Purpoſe in Writing under their Hands (and which Authority the ſaid Grand Jury are hereby required in ſuch Caſe to give, upon Application made to them for the ſame on Behalf of the ſaid Company of Proprietors), to raiſe the Rates which ſhall have been reduced as aforeſaid, or any of them, to ſuch reſpective Sums as they the ſaid Company of Proprietors ſhall think proper, not exceeding the Sums firſt herein-before granted and made payable upon the ſame Articles: Provided alſo, that if at any Time after the Rates which ſhall have been reduced by Direction of the ſaid Grand Jury ſhall have been advanced or raiſed again as aforeſaid, it ſhall appear to the ſaid Grand Jury by the ſaid Accounts, that the clear Profits ariſing to the ſaid Company of Proprietors from the ſaid Navigation ſhall, in the Courſe of the Year ending the Twenty-fourth Day of *June* then next preceding, have amounted to the Rate of Ten Pounds *per Centum* upon the Amount of the ſaid firſt-mentioned Account, the ſaid Rates upon Lime Stone, Coal, and Lime, ſhall be again reduced by Direction of the Grand Jury, in the Manner and Proportions herein-before mentioned, and may afterwards, whenever the ſaid clear Profits ſhall in any Year ending as aforeſaid, not amount to Eight Pounds *per Centum* upon the Amount of the ſaid firſt-mentioned Account, be in like Manner as herein-before mentioned, under the Authority of the ſaid Grand Jury, raiſed again, and ſo from Time to Time as often as the reſpective Caſes ſhall happen; any Thing herein-before contained to the contrary notwithſtanding.

XLVI. And

Masters of Boats to give an Account of their Lading.

XLVI. And, for the better ascertaining, and more easy and effectual collecting of the said Rates hereby directed to be paid to the said Company of Proprietors; be it further enacted, That the Master, Owner, or other Person or Persons having the Care of any Boat, Barge, or other Vessel navigating upon the said Canal and Collateral Cuts, or any of them, shall give to the Collectors of the said Rates, at the Place or Places where he or they shall attend for that Purpose, a just Account in Writing, signed by the Master, Owner, or other Person or Persons having the Care of such Boat, Barge, or other Vessel, of the Quantities, Qualities, and Weight, of the Goods and other Things which shall be embarked in or upon such Boat, Barge, or other Vessel, from whence brought, and where the same is intended to be landed, and if the Goods or other Things contained in any such Boat, Barge, or other Vessel, shall be liable to the Payment of different Rates, then such Master, Owner, or other Person or Persons, shall specify the Quantities liable to the Payment of each of the said Rates; and in case he or they shall neglect or refuse to give such Account, or shall refuse to produce his or their Invoice or Bill of Lading to the Officer demanding the same, or shall, with Intent to avoid the Payment of the said Rates, or any Part of them, give a false Account, or shall deliver out any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in such Invoice or Bill of Lading, every Person so offending shall forfeit and pay the Sum of Twenty Shillings for every Ton of Goods or other Things, (and so in Proportion for any less Quantity than a Ton), which shall be in or conveyed by such Boat, Barge, or other Vessel, of which, or of the Lading whereof, such Account shall be refused to be given, or such false Account shall be given, or the Lading whereof shall be delivered out as aforesaid, (as the Case shall happen to be), over and above the aforesaid respective Rates which shall be payable for the same.

Navigation to be free upon Payment of Rates.

XLVII. And be it further enacted, That all Persons shall have free Liberty to use with Horses, Cattle, and Carriages, the Roads, Ways, and Passages, (except the Towing Paths), to be made by virtue of this Act, for the Purpose of conveying any Timber, Goods, Wares, Merchandize, and other Things, to and from the said Canal and Collateral Cuts, without paying any Thing for the Use of such Roads, Ways, and Passages, and also to navigate, and pass upon, and use, the said Canal and Collateral Cuts with any Boats and other Vessels, and to employ the said Wharfs and Quays for loading and unloading such Merchandize, Timber, and other Goods and Things, and also to use the said Towing Paths with Horses and other Cattle for haling and drawing such Boats and other Vessels, upon Payment of such Rates as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors by virtue of the Powers herein granted, provided the said Boats or other Vessels shall not, without the Consent of the said Company of Proprietors or their Committee, pass upon the said Navigation on *Sundays*, and provided that no Boat or other Vessel having less than Twelve Tons of Goods, Wares, Merchandize, or other Things, on Board, shall pass through

through any of the Locks to be made by virtue of this Act, without being charged and paying for Twelve Tons, unleſs going empty for Lading, or returning empty after having delivered the Lading thereof, without the Conſent of the ſaid Company of Proprietors, or their Committee, in Writing, firſt had and obtained for that Purpoſe.

Paſſage Boats not to be navigated but upon Terms to be fixed by the Commiſſioners.

XLVIII. Provided always, and be it further enacted, That no Boats or Veſſels which may be intended or uſed for the Purpoſe of carrying Paſſengers and ſmall Parcels, ſhall be permitted to paſs or be navigated upon the ſaid Canal and Collateral Cuts, or any of them, but upon ſuch Terms as ſhall be fixed upon by the ſaid Commiſſioners.

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

XLIX. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required, at their own proper Coſts and Charges, to make, or cauſe to be made, ſuch Arches, Tunnels, Culverts, Drains, Sewers, or other Paſſages, over, under, by the Side of, or into, the ſaid Canal and Collateral Cuts, and the Trenches, Streams, and Watercourſes, communicating therewith, and the Towing Paths on the Sides thereof reſpectively, of ſuch Depth, Breadth, and Dimenſions, as ſhall be ſufficient at all Times to convey the Water clear from the Lands adjoining or lying near to the ſaid Canal and Collateral Cuts, without obſtructing or impeding the ſame, and to make, or cauſe to be made, ſuch Back Drain or Drains as may be neceſſary, and ſhall be ſufficient to carry off any Water which may ooze or paſs through any of the Banks of the ſaid Canal and Collateral Cuts, or any of them, to the Prejudice of any of the Lands or Grounds contiguous thereto; and alſo to make proper Watering Places for Cattle, in all Caſes where, by Means of the ſaid Canal and Collatera Cuts, or any of them, or any other of the Works hereby authorized to be made, the Cattle of any Perſon or Perſons occupying Lands adjacent thereto ſhall be deprived of their ancient Watering Places, and to ſupply the ſame at all Times with Water; and that all ſuch Arches, Tunnels, Culverts, Drains, and other Paſſages, ſhall, from Time to Time, be ſupported, maintained, cleanſed, ſcoured, and kept in good and ſufficient Repair, by the ſaid Company of Proprietors; and if at any Time or Times, after Thirty Days Notice in Writing ſhall, by or on the Behalf of any of the ſaid Owners or Occupiers of Lands adjoining or lying near to the ſaid Canal and Collateral Cuts, or any of them, or any other of the Works hereby authorized to be made, be given to the ſaid Company of Proprietors, or to their Clerk, known Agent, or Collector, that the ſaid Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages, or any of them, is or are not made, cleanſed, maintained, and repaired, and the ſame ſhall not be made, cleanſed, maintained, and repaired, according to the true Intent and Meaning of this Act; and if any Perſon or Perſons ſhall apply for and obtain an Order in Writing, from any Three or more of the ſaid Commiſſioners, (who are hereby authorized to grant the ſame, although not aſſembled at a Meeting), impowering ſuch Perſon or Perſons to make, cleanſe, and repair, ſuch Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages, accordingly, as well through the Lands or Grounds of the Perſon or Perſons obtaining ſuch Order as aforeſaid, as through any other Lands or Grounds in or through which ſuch Arches,

and Watering Places for Cattle.

Tunnels, Culverts, Drains, Back Drains, or other Paſſages, may, by the ſaid Order of ſuch Three or more Commiſſioners, be directed or authorized to be made, cleanſed, or repaired, and the reaſonable Expences thereof, (to be aſcertained by the ſaid Commiſſioners), ſhall be defrayed by the ſaid Company of Proprietors; and in caſe of Neglect or Refuſal to ſatisfy and defray ſuch Expences for the Space of Two Calendar Months next after Demand thereof made upon the ſaid Company of Proprietors, or upon their Clerk, or known Agent or Collector, ſuch Expences ſhall and may be recovered and levied in ſuch Manner as any other Money is by this Act directed to be recovered from the ſaid Company of Proprietors: Provided always, That ſuch Owner or Occupier of the ſaid contiguous or adjoining Lands ſhall, at the Time of giving ſuch Notice, have his or her reſpective Ditches, Drains, Paſſages for Water, and Watercourſes leading to and from the Drains, Culverts, and Paſſages, of the ſaid Canal and Collateral Cuts, and other Works as aforeſaid, ſufficiently cleanſed and opened to convey Water into the ſame: Provided alſo, that nothing herein contained ſhall extend to enforce the admitting of any Water ariſing from Floods into the ſaid Canal and Collateral Cuts, or any of them, which may injure the ſaid Navigation.

Towing Paths to be fenced off, &c.

L. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own Coſts, (within Six Calendar Months next after any Part of the ſaid Canal and Collateral Cuts, and Towing Paths thereto reſpectively belonging, ſhall be dug out and formed), divide and ſeparate, and keep conſtantly divided and ſeparated, the Towing Paths on each Side of the ſaid Canal and Collateral Cuts, and the Trenches, Feeders, or Paſſages, hereby authorized to be made on ſuch Part or Parts thereof reſpectively as ſhall be declared neceſſary by the ſaid Commiſſioners, in caſe there ſhall be any Doubt or Diſpute about the ſame, from the adjoining Lands or Grounds, by Poſts and Rails, Hedges, Ditches, Trenches, Banks, or other Fences, ſufficient to keep off Sheep and other Cattle, the ſame to be ſet out 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 the ſaid Company of Proprietors ſhall, at their own proper Coſts and Charges, from Time to Time, maintain and ſupport the ſaid Towing Paths, and the ſaid Poſts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences ſo ſet up and made as aforeſaid, and alſo ſhall, at their own like Coſts and Charges, make, erect, and ſet up, and, from Time to Time, maintain and ſupport, ſuch and ſo many convenient Gates, Bridges, and Stiles, in, over, and through, all the Hedges and Fences to be by them ſo made on the Sides of ſuch Towing Paths as aforeſaid, and alſo all ſuch Bridges, Arches, Culverts, and Paſſages, over, under, or by the Side of, or into the ſaid Canal and Collateral Cuts, and the Feeders, Trenches, and Aqueducts, communicating therewith, and the Towing Paths on the Side thereof, of ſuch Dimenſions, and in ſuch Manner, as the ſaid Commiſſioners ſhall, at any of their publick Meetings, from Time to Time, judge neceſſary and appoint, in caſe there ſhall be any Diſpute about the ſame, for the Uſe of the Owners and Occupiers of the Lands and Grounds, Mills or Hereditaments, adjoining to ſuch Canal, Cuts, and other

other Works, or any of them reſpectively; and the ſaid Company of Proprietors ſhall not make the ſaid Canal or Collateral Cuts, or any Part thereof, or any Trench or Watercourſe belonging to the ſame, in or acroſs any common Highway, publick Bridle Way, or Foot Path, until they ſhall, at their own proper Coſts and Charges, have made and perfected ſuch Bridge or Bridges, Paſſage or Paſſages, Arch or Arches, over, acroſs, or under, the ſame Highway, publick Bridle Way, or Foot Path, of ſuch Dimenſions, and in ſuch Manner, as the ſaid Commiſſioners ſhall, from Time to Time, judge neceſſary and appoint, not being contrary to the true Intent and Meaning of this Act, and all ſuch Gates, Stiles, Bridges, Arches, and other Works and Conveniencies, ſo to be made as aforeſaid, ſhall, from Time to Time, and at all Times thereafter, be ſupported, maintained, and kept in ſufficient Repair, by the ſaid Company of Proprietors; and in caſe the ſaid Company of Proprietors, or their Agents, ſhall refuſe or neglect to divide and ſeparate, and to keep divided and ſeparated, the Towing Paths of the ſaid Navigation in Manner herein-before directed, or to make, erect, and ſet up, ſuch Gates, Bridges, and Stiles, in, over, and through, the Fences on the Side of the ſaid Towing Paths, or ſuch Bridges, Arches, Tunnels, Culverts, Drains, Back Drains, or other Paſſages, over, under, or by the Sides of, or into, the ſaid Canal and Collateral Cuts, and the ſaid Trenches, Streams, and 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, Mills, or Hereditaments, adjoining or near to the ſaid Canal and Collateral Cuts, or to maintain and ſupport ſuch Gates, Stiles, Bridges, Arches, Paſſages, and Watering Places, when erected, ſet up, and made, of ſuch Dimenſions, and in ſuch Manner, as aforeſaid, for the Space of Three Calendar Months next after the Time to be appointed for thoſe Purpoſes by the ſaid Commiſſioners, or after Notice ſhall be given by or on Behalf of the Owners or Occupiers of any ſuch Lands or other Hereditaments, who may be aggrieved by any ſuch Refuſal or Neglect, then, and in every ſuch Caſe, it ſhall be lawful for every or any of the Owners or Occupiers of the ſaid adjacent Lands, Grounds, Mills, or other Hereditaments, who ſhall find himſelf, herſelf, or themſelves, aggrieved by ſuch Refuſal or Neglect, to make, erect, and ſet up, all ſuch Gates, Stiles, Bridges, Arches, Paſſages, Watering Places, and other Conveniencies, as the ſaid Commiſſioners ſhall have before directed or appointed to be made, erected, and ſet up, by the ſaid Company of Proprietors as aforeſaid, and to maintain, repair, and ſupport, the ſame, from Time to Time, as Occaſion ſhall require, ſo that in making and maintaining ſuch Works as aforeſaid, the ſaid Canal and Navigation, or the Banks thereof, or the Feeders or Aqueducts belonging thereto, ſhall not be ſtopped or injured for any longer Space of Time, or in any other Manner, than ſhall be neceſſary for the doing thereof, and all the reaſonable Coſts and Charges thereof (to be ſettled and allowed by the ſaid Commiſſioners) ſhall be repaid to the reſpective Owners or Occupiers of the ſaid adjacent Lands, Grounds, Mills, or other Hereditaments, who ſhall have ſo erected and made, repaired or maintained, ſuch Works as aforeſaid, by the ſaid Company of Proprietors, within the Space of Six Calendar Months next after the ſame ſhall have been ſo ſettled and allowed, and an Account

If Company do not fence off Towing Paths, *etc.* Land Owners may do it at the Company's Expence.

and

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

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

LI. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the ſaid Canal and Collateral Cuts, or any of them, ſhall be made, do or ſhall at any Time or Times apprehend that any of the Gates, Stiles, Bridges, Paſſages, Arches, Tunnels, Drains, Back Drains, Trenches, or other Paſſages, Watering Places, and other Conveniencies reſpectively, which the ſaid Commiſſioners ſhall have ſo directed or appointed to be made by the ſaid Company of Proprietors, are inſufficient, either in their Number or Situation, for the commodious Uſe and Occupation of the reſpective Lands, Grounds, Mills, or other Hereditaments on both Sides, or on either Side thereof, then and in any ſuch Caſe, it ſhall be lawful for all or any ſuch Owners or Occupiers, with the Conſent and Approbation of the ſaid Committee, upon Requeſt made to them for that Purpoſe, or in caſe of their Refuſal for the Space of Twenty-one Days next after ſuch Requeſt, then with the Conſent and Approbation of the ſaid Commiſſioners, to make, fix, and erect, at their own Coſts and Charges, any ſuch other Gates, Stiles, Bridges, Paſſages, Arches, Culverts, Watering Places, or other Conveniencies, of the ſame or the like Conſtruction with thoſe made and erected by the ſaid Company of Proprietors, in, over, or near to, the ſaid Canal and Collateral Cuts, or the Towing Paths thereof reſpectively, in ſuch Places as ſhall be found and adjudged moſt neceſſary and convenient for the better Uſe, Cultivation, Improvement, or Occupation of ſuch Lands and other Hereditaments, and to repair and ſupport the ſame at their own like Coſts and Charges, as Occaſion ſhall require, ſo that the Navigation of the ſaid Canal and Collateral Cuts, or any of them, be not prevented or obſtructed thereby for any longer Space of Time, or in any other Manner than the ſame would neceſſarily have been if ſuch Gates, Stiles, Bridges, Paſſages, Arches, Watering Places, or other Conveniencies, had been made or erected by the ſaid Company of Proprietors.



LII. And

Swivel or Draw Bridges to be ſhut after Veſſels have paſſed.

LII. And be it further enacted, That if any Swivel Bridge or Draw Bridge (except ſuch as may be made for the private Uſe of any Owner or Occupier of Land) ſhall be laid over or acroſs the ſaid Canal, or either of the ſaid Collateral Cuts, or any other Cut, Trench, or Paſſage, to be made by virtue of this Act, all Perſons opening any ſuch Draw Bridge or Swivel Bridge ſhall, and are hereby required and directed, ſo ſoon as any Veſſel ſhall have paſſed any ſuch Bridge, to ſhut and faſten the ſame, and every Perſon neglecting ſo to do ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Forty Shillings; and in caſe ſuch Bridge ſhall be left open longer than neceſſary for the Paſſage of any Veſſel as aforeſaid, through the Neglect or Careleſsneſs of any Perſon belonging to any ſuch Veſſel, then the Maſter or Owner of ſuch Veſſel ſhall forfeit and pay, for every ſuch Offence, the Sum of Forty Shillings; and if any Perſon or Perſons ſhall wilfully open any ſuch Draw Bridge or Swivel Bridge when no Veſſel is to paſs through the ſame, ſo as to interrupt a free Paſſage for Travellers, Cattle, or Carriages, every ſuch Perſon ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Forty Shillings; One Moiety of which ſaid reſpective Penalties ſhall go to the Informer.

Works damaged by Floods to be repaired by the Company.

LIII. And whereas it may happen from Floods, or from ſome unexpected Accidents, that the Locks or other Works of the ſaid Navigation may be injured or deſtroyed, and the adjacent Lands may thereby ſuffer Damage, and it may be neceſſary that the ſame ſhould be immediately repaired or rebuilt, to prevent further Damages; be it therefore further enacted, That when and as often as any ſuch Caſe ſhall happen, it ſhall be lawful for the ſaid Company of Proprietors, or any of their Servants, Agents, or Workmen, without any Delay or Interruption from any Perſon or Perſons, to enter into any Lands or Grounds adjoining or near to the ſaid Canal, Collateral Cuts, and other Works or Conveniencies, or any of them, (not being the Ground whereon any Houſe or other Building ſtands, or an Orchard, Park, Paddock, Planted Walk, Nurſery for Trees, or Avenue to a Houſe), and to dig for, work, get, and carry away, and uſe all ſuch Stones, Gravel, and other Materials, as may be neceſſary and 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 or Grounds, or any of them, doing as little Damage thereby as the Nature of the Caſe will permit, and making Recompence for the ſame to the Owners and Occupiers of, or other Perſons intereſted in ſuch Lands or Grounds, within the Space of One Calendar Month next after the ſame ſhall be demanded; which Damages, and the Compenſation to be made in reſpect thereof, ſhall be ſettled and determined, or aſſeſſed, by the Ways and Means herein-before preſcribed and directed with reſpect to other Damages to be done by making and completing the ſaid Navigation.

Company may cleanſe adjoining Watercourſes at the Land Owners Expence.

LIV. And be it further enacted, That if at any Time the Ditches or Drains belonging to any Owner or Occupier of any Lands adjoining or lying contiguous to the ſaid Canal and Collateral Cuts, and other Works, or any of them, ſhall, by Reaſon of their not being ſufficiently cleanſed

or opened, hinder and obſtruct the free Paſſage of the Water from the Drains, Culverts, and Paſſages, belonging to the ſaid Navigation, and if the ſame ſhall not be perfectly cleanſed and opened within Two Calendar Months after Notice in Writing ſhall have been given thereof to ſuch Owner or Occupier, by the Clerk or any Agent of the ſaid Company of Proprietors, it ſhall be lawful for the ſaid Company of Proprietors, (an Order in Writing for that Purpoſe having been firſt obtained from any Three or more of the ſaid Commiſſioners, although not aſſembled at any Meeting), from Time to Time, as often as there ſhall be Occaſion, to open and cleanſe, or cauſe to be opened and cleanſed, the ſaid Ditches or Drains, and the reaſonable Expences thereof, when aſcertained and allowed by the ſaid Commiſſioners, ſhall be repaid to the ſaid Company of Proprietors by the Owners or Occupiers of ſuch Lands and Grounds to which the ſaid Ditches and Drains ſo opened and cleanſed ſhall belong, and in caſe of Refuſal or Neglect to ſatisfy the ſame for the Space of Two Calendar Months next after Demand ſhall have been made thereof from the reſpective Owner or Owners, Occupier or Occupiers, of ſuch Lands and Grounds as aforeſaid, ſuch Charges and Expences ſhall and may be recovered in ſuch Manner as Forfeitures and Penalties are herein-after directed to be recovered.

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

LV. And be it further enacted, That the Lord or Lords, Lady or Ladies, of any Manor, and the Owner or Owners of any Lands or Grounds near to, through, or by which the ſaid Canal and Collateral Cuts, or any of them, ſhall be made, may build, conſtruct, and uſe any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in or upon his, her, or their reſpective own proper Lands, Grounds, or Waſtes, adjoining or near to the ſaid Canal and Collateral Cuts, or any of them, with neceſſary Ways and Roads to the ſame, and may land any Goods or Merchandize, Coal, Lime, or other Things, upon ſuch Wharfs, Quays, or Landing Places, or upon the Banks lying between the ſame and the ſaid Canal and Collateral Cuts, or any of them, and may make and uſe proper and convenient Places for Boats and other Veſſels to lie and turn in, and paſs by each other, ſo that the making, conſtructing, or uſing thereof reſpectively, do not obſtruct or prejudice the Navigation of the ſaid Canal and Collateral Cuts, or any Part thereof, or any Towing Paths on the Sides thereof reſpectively; and all Rates which ſhall be paid for the Uſe and Benefit of the ſaid Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouſes reſpectively, ſhall be ſubject to the Power herein-after contained for the ſaid Commiſſioners to limit, aſcertain, and make Regulations of and concerning ſuch Rates of Wharfage, and are hereby veſted in ſuch Lord or Lords, Lady or Ladies, of ſuch Manor, or in the Owner or Owners of ſuch Lands or Grounds, who ſhall make, conſtruct, and erect, the ſame reſpectively as aforeſaid, and his, her, and their Repreſentatives, ſo that the Rates and Powers herein granted to the ſaid Company of Proprietors ſhall not be thereby reduced, altered, or infringed.

If not done by Land Owners within a certain Time, Proprietors may build Wharfs, &c.

LVI. Provided always, and be it further enacted, That if the Lord or Lady of any Manor, or any Land Owner, ſhall not, within the Space of Twelve Calendar Months next after Notice given in Writing to him or her, or left at his or her uſual Place of Abode,

by or on Behalf of the ſaid Company of Proprietors, that any Part or Parts of ſuch Lands, Grounds, or Waſtes, is or are intended to be uſed by them for the Purpoſe of making and erecting Wharfs, Quays, Warehouſes, Buildings, or other Conveniencies as aforeſaid, for the Uſe of the ſaid Navigation, or for laying out and making neceſſary and convenient Roads for the Conveyance of Goods to and from the ſaid Canal and Collateral Cuts, or any of them, ſhall not lay out, conſtruct, and make, and from Time to Time maintain and keep in good and ſubſtantial Repair ſuch proper and ſufficient Wharfs, Quays, Warehouſes, Buildings, Roads, and other Conveniencies aforeſaid, for the Uſe of the ſaid Navigation, as the ſaid Commiſſioners ſhall think neceſſary on the reſpective Parts of the Lands, Grounds, or Waſtes, deſcribed in ſuch Notice, then and in ſuch Caſe the ſaid Company of Proprietors ſhall have full Power and Authority, without any Hindrance or Reſtraint whatſoever, to make uſe of any ſuch Lands, Grounds, or Waſtes, (not being the Ground whereon any Houſe or other Building ſtands, or any Garden, Orchard, Yard, Park, Paddock, Planted Walk, Nurſery for Trees, or an Avenue to any Houſe), for erecting and conſtructing proper and ſufficient Wharfs, Warehouſes, Buildings, and other Conveniencies as aforeſaid, and for laying out and making neceſſary and convenient Roads to and from the ſaid Canal and Collateral Cuts, or any of them reſpectively, agreeable to ſuch Notice to be delivered as aforeſaid, they the ſaid Company of Proprietors firſt making Satisfaction for the ſame in ſuch Manner as herein-before directed with reſpect to other Lands or Grounds which ſhall be taken or uſed for the Purpoſes of this Act.

Further Allowances to the Company of Proprietors for Goods remaining upon their Wharfs a certain Time.

LVII. And be it further enacted, That if any Coals, Stone, Minerals, Timber, Goods, Wares, or Merchandizes, or any other Matters or Things whatſoever, which ſhall be carried and conveyed on the ſaid Navigation, ſhall lie or remain upon any Wharf or Quay belonging to the ſaid Company of Proprietors, or to any other Perſon or Perſons adjoining to the ſaid Canal and Collateral Cuts, or any of them, for above the Space of Twenty-four Hours, then and in ſuch Caſe the ſaid Company of Proprietors, or ſuch other Perſon or Perſons, ſhall be entitled to receive ſuch reaſonable Rates or Allowances, over and above the Rates herein-before authorized to be taken, as ſhall be agreed upon between the ſaid Company of Proprietors, or their Agent or Agents, or ſuch other Perſon or Perſons, and the Owner or Owners of ſuch Coals, Stone, Minerals, Timber, Goods, Wares, Merchandize, or other Things; and in caſe of any Diſpute concerning the ſame, it ſhall be aſcertained and adjuſted by the ſaid Commiſſioners, who are hereby authorized and impowered to make Regulations from Time to Time as they may think fit for limiting and aſcertaining ſuch additional Rates of Wharfage to be taken by the ſaid Company of Proprietors, and all and every ſuch other Perſon or Perſons, being the Owners of any ſuch Wharfs or Quays as aforeſaid.

Company of Proprietors not to uſe private Wharfs.

LVIII. Provided always, and be it further enacted, That nothing herein contained ſhall authorize or impower the ſaid Company of Proprietors, or any other Perſon or Perſons, to make uſe of any Wharf, Quay, Landing

ing Place, Crane, Weigh Beam, or Warehouſe, which ſhall be ſet out, erected, or made by the Lord or Lords, Lady or Ladies, of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the ſaid intended Canal and Collateral Cuts, or any of them, for his, her, or their private excluſive Uſe only; nor to ſet up, erect, repair, or uſe, any Cranes or Weighing Machines in or upon any ſuch Wharf, Quay, or Landing Place, without the Conſent of the Owners or Occupiers thereof reſpectively; any Thing herein contained to the contrary notwithſtanding.

Maſters to put their Names on the Outſide of Boats.

LIX. And be it further enacted, That every Owner or Maſter of any Boat, Barge, or other Veſſel, (not being a Pleaſure Boat), paſſing upon the ſaid Canal and Collateral Cuts, or any of them, ſhall cauſe his Name and Place of Abode, and the Number of his or her Boat, Barge, or other Veſſel, to be entered with the Clerk to the ſaid Company of Proprietors, and ſhall alſo cauſe ſuch Name and Number to be engraved in Capital Letters and Figures, Three Inches high at the leaſt, and of a proportionable Breadth, on the Outſide of the Head or Stern of every ſuch Boat, Barge, or other Veſſel, higher than the Place to which the ſame ſhall ſink into the Water when full laden; and alſo ſhall and is hereby required to fix on each Side thereof reſpectively, correct Indexes of Copper or Iron, of ſuch graduated Dimenſions, and of ſuch convenient Heights, and under ſuch Regulations, as the ſaid Company of Proprietors ſhall from Time to Time direct, or other proper Means ſhall be uſed under the Directions of the ſaid Company of Proprietors, ſo that the true Weight of the Lading on Board may at all Times be aſcertained and ſhewn; and ſhall permit and ſuffer every ſuch Boat, Barge, or other Veſſel, to be gauged, weighed, or meaſured, at the Expence of the ſaid Company of Proprietors, whenever it ſhall be required by them, or any Perſon or Perſons appointed for that Purpoſe; and every Owner, Maſter, or other Perſon having the Care or Command of any Boat, Barge, or other Veſſel, who ſhall navigate the ſame upon the ſaid Canal and Collateral Cuts, or any of them, without having ſuch Name, Figures, and Index thereon as are herein-before directed, or who ſhall alter, eraſe, deface, or deſtroy, ſuch Name, Figures, and Index, or any Part thereof, or ſhall fix thereon any falſe Name, Figure, or Index, or who ſhall refuſe to permit and ſuffer ſuch Boat, Barge, or other Veſſel, to be gauged and meaſured, or ſhall wilfully ſuffer or permit any Boat, Barge, or other Veſſel, navigating upon or lying in the ſaid Canal and Collateral Cuts or any of them, to be loaded or unloaded without a Stage being laid from the Side of ſuch Boat, Barge, or other Veſſel, to the Bank of the ſaid Canal or ſuch Collateral Cuts, ſo as effectually to prevent any Soil or other Matter or Thing intended to be taken on Board or diſcharged out of ſuch Boat, Barge, or other Veſſel, from falling into the ſaid Canal or Collateral Cuts, or any of them, ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Five Pounds, nor leſs than Forty Shillings.

Weight of the Lading of Veſſels to be marked.

Boat Owners to be accountable for Damages done

LX. And be it further enacted, That the Maſter or Owner of every Boat, Barge, or other Veſſel, navigating upon the ſaid Canal and Collateral Cuts, or any of them, ſhall be and is hereby made anſwerable for

any Treſpaſs, Damage, Spoil, or Miſchief, that ſhall be done by his Boat, Barge, or other Veſſel, or by any of the Boatmen, Watermen, or other Perſon or Perſons belonging to or employed in or about the ſame reſpectively, to any of the Bridges, Weirs, Locks, Dams, Engines, or other Works in, upon, or belonging to, the ſaid Canal and Collateral Cuts, or any of them, or to any of the Trenches, Aqueducts, Sluices, Paſſages, or other Works or Conveniencies to be made by virtue of this Act, either by the loading or unloading of any Boat, Barge, or other Veſſel, or by any other Means whatſoever, or to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments adjoining or lying near to the ſame Canal and Collateral Cuts, or to any of them, by leaving open any Gate or Gates, Locks or Bridges, or by any other Means whatſoever, and the ſaid Maſter or Owner of ſuch Boat or other Veſſel may be ſued and proſecuted for the ſame in any of His Majeſty's Courts of Record, and if a Verdict or Judgement ſhall be given againſt him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any ſuch Caſe ſhall recover his Damages thereby ſuſtained, with full Coſts of Suit, to be taxed as between Attorney and Client. by the Boatmen.

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

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

in ſuch Manner as the ſaid Committee ſhall from Time to Time direct and appoint; and that all Boats, Barges, and other Veſſels, paſſing upon the ſaid intended Canal and Cuts, ſhall, upon meeting any other Boat, Barge, or Veſſel, ſtop at, or go back to and lie in ſome Place to be provided for that Purpoſe as aforeſaid, in ſuch Manner as the ſaid Company of Proprietors, or the ſaid Committee, ſhall from Time to Time direct and appoint; and if any Boat, Barge, or other Veſſel, ſhall be placed, or ſuffered to remain in any Part of the ſaid intended Canal and Cuts, or any of them, ſo as to obſtruct the Navigation thereof, and the Perſon having the Care of ſuch Boat, Barge, or other Veſſel, ſhall not, immediately, upon Requeſt made, remove the ſame, he ſhall, for every ſuch Offence, forfeit the Sum of Five Shillings, and alſo for every Hour ſuch Obſtruction ſhall continue after the making ſuch Requeſt, any Sum not exceeding Ten Shillings, and it ſhall be lawful for any Agent or Officer to the ſaid Company of Proprietors to cauſe any ſuch Boat, Barge, or other Veſſel, to be unloaded, if neceſſary, and to be removed in ſuch Manner as ſhall be proper for preventing ſuch Obſtruction, and to ſeize and diſtrain ſuch Boat, Barge, or other Veſſel, and the Loading thereof, or any Part of ſuch Loading, until the Charges occaſioned by ſuch Removal are paid; and if any Perſon ſhall float any Timber upon the ſaid intended Canal and Cuts, or any of them, or ſhall ſuffer the Loading of any Boat, Barge, or other Veſſel, navigating in or upon the ſaid intended Canal and Cuts, or any of them, to lie over the Side thereof, ſo as to obſtruct the Paſſage of any other Boat, Barge, or other Veſſel, and ſhall not, immediately upon Notice given to him for that Purpoſe, remove ſuch Obſtruction, or if any Perſon ſhall throw any Ballaſt, Gravel, Stones, or Rubbiſh, into any Part of the ſaid Canal and Cuts, or any of them, or any Trenches or Watercourſes to be made by virtue of this Act, or if any Perſon ſhall wantonly, careleſsly, or negligently, open or cauſe to be opened any Lock Gate, or any Paddles, Valve, or Clough, belonging to any Lock to be erected on the ſaid intended Canal and Cuts, or any of them, or ſuffer any Boat, Barge, or other Veſſel, to ſtrike or run upon any of the Bridges or Locks thereof, or ſhall wilfully fluſh or draw off the Water from any Part of the ſaid intended Canal and Cuts, or any of them, or ſhall leave any of the ſaid Valves or Cloughs open and running, after any Boat, Barge, or other Veſſel, ſhall have paſſed any ſuch Lock, every Perſon ſo offending ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Five Pounds; and if any Perſon ſhall wilfully and maliciouſly, and to the Prejudice of the ſaid Navigation, break, throw down, damage, or deſtroy, any Banks or other Works to be erected and made by virtue of this Act, and be thereof convicted, every ſuch Perſon ſhall be tranſported in like Manner as Felons are directed to be tranſported by the Laws and Statutes of this Realm; or otherwiſe, the Court before whom ſuch Perſon ſhall be convicted may, in Mitigation of ſuch Puniſhment, (if they think fit), award any ſuch other Puniſhment as the Law directs in Caſes of Petit Larceny.

Regulations of Veſſels paſſing the Locks.

LXIII. And be it further enacted, That no Boatman or other Perſon navigating, or having the Care of any Boat, Barge, or other Veſſel, upon the ſaid Canal and Collateral Cuts, or any of them, which ſhall paſs through any Lock to be made thereon, ſhall ſuffer the Water to remain

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in such Lock longer than is necessary for his Boat, Barge, or other Vessel, to pass through the same, and also that every such Boatman, or other Person as aforesaid, in going down the said Canal and Collateral Cuts, or any of them, shall, previous to his bringing his Boat, Barge, or other Vessel, into any Lock, shut the Lower Gates of such Lock, and the Sluices thereto belonging, before he shall draw the Cloughs of the Upper Gates thereof, and after he shall have brought such Boat, Barge, or other Vessel, through the said Lock, he shall then shut the Upper Gates before he shall draw the Cloughs of the Lower Gates thereof, and in going up the said Canal and Collateral Cuts, or any of them, towards the Head Level or Head Levels thereof, such Boatman or other Person, so soon as he shall have passed with his Boat, Barge, or other Vessel, through the said Lock, shall shut the Upper Gates of the same before he shall draw the Cloughs of the Lower Gates thereof, unless there shall then be a Boat, Barge, or other Vessel, coming down the said Canal, or any such Collateral Cut, in Sight of the said Boatman or other Person passing such Lock, in which Case the Lower Gates of the said Lock shall be left shut, and the Upper Gates shall be left open; and in all dry Seasons, when there shall be a Scarcity of Water in the said Canal and Collateral Cuts, or any of them, the Boat, Barge, or other Vessel, so going up the same, (if within Sight of a Boat, Barge, or other Vessel, so coming down), and at a Distance not exceeding One hundred Yards below a Lock, shall pass through such Lock before the Boat, Barge, or other Vessel, coming down, and then such other Boat, Barge, or other Vessel, shall come down into the said Lock; and if there shall be more Boats, Barges, or other Vessels, than One below and above any Lock at the same Time, in any such dry Season, within the Distance aforesaid, (which Distance shall be distinguished by a Post or Mark to be set up and made for that Purpose), such Boats, Barges, and other Vessels, shall go up and come down at such Lock by Turns as aforesaid, until all the Boats, Barges, and other Vessels, so going up or coming down shall have passed the same, by which Means One Lock full of Water may serve Two Boats, Barges, or other Vessels, and any Person or Persons acting contrary to these Directions, in passing any such Lock or Locks, shall forfeit the Sum of Forty Shillings for every such Offence; but if any Question or Dispute shall arise on his or their Conviction, whether it was or was not a dry Season at the Time of such Offence committed, such Question shall be determined by the said Commissioners.

Lock Keepers not to give undue Preference.

LXIV. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the said Company of Proprietors, shall give any undue Preference, or shew any Partiality to any Boat, Barge, or other Vessel, in passing through any Lock upon the said Canal or Collateral Cuts, or any of them, or in loading or unloading any Goods or other Things, at any of the Wharfs, Warehouses, Weigh Beams, Cranes, or other Machines, belonging to the said Company of Proprietors, every Person so offending shall forfeit and pay to the Informer any Sum not exceeding Twenty Shillings.

Canal not to be under the Power of Coms

LXV. And be it further enacted, That the said Canal and Collateral Cuts, or any of the Works whatsoever to be made by virtue of this

miſſion of Sewers, and how to be rated.

this Act, ſhall not be ſubject to the Controul, Direction, Survey, or Order, of any Commiſſion of Sewers, or to any Law or Statute relating to Sewers whatſoever; and the ſaid Company of Proprietors ſhall or may, from Time to Time hereafter, be rated and charged to all Parliamentary and Parochial Taxes, Rates, and Aſſeſſments, for or on Account of any Lands or Grounds to be purchaſed or taken, or of any Warehouſes or other Buildings to be erected by them in purſuance of this Act, in the ſame Proportion as other Lands, Grounds, and Buildings, adjoining to or lying near the ſame, are or ſhall be rated and charged, but it ſhall be lawful for the ſaid Company of Proprietors to agree with any Owner or Owners of any Lands or Hereditaments of ſufficient Yearly Value adjoining or lying near to the Lands or Hereditaments to be purchaſed or taken for the Purpoſes of this Act, for an Exemption from all Rates and Taxes in reſpect of ſuch laſt-mentioned Lands and Hereditaments, and for charging the ſame upon the adjoining Lands or Hereditaments of the Perſon or Perſons from whom any Lands or Hereditaments ſhall be ſo purchaſed or taken for the Purpoſes of this Act; and in all ſuch Caſes, all the Parochial and other Rates, Taxes, Charges, and Aſſeſſments, which might be thereafter charged upon or payable in reſpect of the Lands or Hereditaments to be ſo purchaſed or taken for the Purpoſes of this Act, ſhall be rated and charged upon ſuch adjoining Lands, and upon the Owners and Occupiers thereof, and the Lands and Hereditaments to be purchaſed for the Purpoſes of this Act ſhall be exempted and diſcharged therefrom.

Lords of Manors to have the Right of Fiſhery within any Waſtes.

LXVI. And be it further enacted, That the Lord and Lords, Lady and Ladies, of every Manor through or in which the ſaid Canal and Collateral Cuts, Reſervoirs, Trenches, and Sluices, or any of them, ſhall be made, ſhall have and be entitled to the excluſive Right of Fiſhery of and in ſo much of the ſaid Canal, Collateral Cuts, Reſervoirs, Trenches, and Sluices thereto belonging, as ſhall be made over, under, or through, the Common or Waſte Lands within his, her, or their Manors reſpectively, and as ſhall be made over or through any other Lands or Grounds in the Pits, Ponds, or Waters, whereof ſuch Lord or Lords, Lady or Ladies, now have or hath, or are or is entitled to the Right of Fiſhery, and that the Owner or Owners of all other Lands or Grounds through or in which the ſaid Canal and Collateral Cuts, Reſervoirs, Trenches, and Sluices, or any of them, ſhall be made, ſhall alſo have and be entitled to the like Right of Fiſhery, of and in ſo much of the ſaid Canal and Collateral Cuts, or other Works, as ſhall be made in, over, under, or through, his, her, or their Lands or Grounds reſpectively, ſo as that in the Uſe and Exerciſe of ſuch Rights of Fiſhery the ſaid Canal and Collateral Cuts, or other Works hereby authorized to be made, ſhall not be prejudiced or obſtructed, or any Water drained or exhauſted from or out of the ſame, and ſo as the ſaid Company of Proprietors, or their Agents, Servants, or Workmen, or any of them, ſhall not be liable to any Penalty, Action, or Proſecution, for or by Reaſon of the taking or deſtroying of any Fiſh in the ſaid Canal, Collateral Cuts, or other Works, or any of them, which ſhall be taken, killed, or deſtroyed, through or by Means of the letting the Water out of them reſpectively, for the Purpoſes of the ſaid Canal or Collateral Cuts, or other Works, or

on Account of any Repairs or Works to be done in and about the ſame Canal, Collateral Cuts, or other Works reſpectively; and it ſhall be lawful for the Lord or Lords, Lady or Ladies, of ſuch Manor or Manors, and for the Owner or Owners of ſuch Lands or Grounds, being qualified by Law ſo to do, to take and kill Game upon ſo much of the ſaid Canal and Collateral Cuts, and other Works, as ſhall be made in or through their reſpective Lands or Grounds as aforeſaid; any Thing herein contained to the contrary notwithſtanding.

Power for Land Owners to uſe Pleaſure Boats.

LXVII. And be it further enacted, That it ſhall be lawful for the Owners and Occupiers of any Lands or Hereditaments adjoining to the ſaid Canal and Collateral Cuts, or any of them, to uſe any Pleaſure Boat or Boats upon the ſaid Canal and Collateral Cuts, or any of them, (not paſſing through any Locks, unleſs they ſhall firſt pay Tonnage and Lock Dues equal to the Tonnage for One Mile on a Boat or Veſſel carrying Ten Tons, or obtain the Conſent of the ſaid Company of Proprietors), without any Interruption from the ſaid Company of Proprietors, or any of their Officers or Agents, and without paying any Rate for the ſame, ſo as ſuch Pleaſure Boat or Boats be not made uſe of for carrying any Goods or other Things, and ſo as the ſame ſhall not obſtruct or prejudice the Navigation of the ſaid Canal and Collateral Cuts, or the ſaid Towing Paths, or other Works belonging thereto; provided that ſuch Boat or Boats do not in any Caſe paſs through any Lock, except when the Water ſhall be running over the Waſte Weir of ſuch Lock.

Mines reſerved to Lords of Manors and other Proprietors.

LXVIII. Provided always, and be it further enacted, That nothing herein contained ſhall extend to prejudice or affect the Right of any Lord or Lords, Lady or Ladies, of any Manor, or of any Owner or Owners of any Lands or Grounds in, upon, or through which the ſaid Canal and Collateral Cuts, or any of them, or any Towing Paths, Wharfs, Quays, Reſervoirs, Trenches, Sluices, Paſſages, Watercourſes, or other Conveniencies aforeſaid, ſhall be made, to the Mines and Minerals lying and being within or under the ſaid Lands or Grounds, but all ſuch Mines or Minerals are hereby reſerved to the Lord or Lords, Lady or Ladies, of ſuch Manor, and for ſuch Owner or Owners of ſuch Lands or Grounds reſpectively; and it ſhall be lawful for the Lord or Lords, Lady or Ladies, of ſuch Manor, and for ſuch Owner or Owners of ſuch Lands or Grounds reſpectively, ſubject to the Conditions and Reſtrictions herein contained, to work, get, drain, take, and carry away, to his, her, or their own Uſe, ſuch Mines and Minerals, not thereby injuring, prejudicing, or obſtructing, the ſaid Navigation, or any of the Works or Conveniencies belonging thereto.

Company's Agents to be at Liberty to enter Lands or Mines to view the Works.

LXIX. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, by themſelves or their Agents or Servants, at any Time or Times, to enter upon any Lands through or near which the ſaid Canal, Collateral Cuts, or Works, hereby authorized to be made, ſhall be or paſs, wherein any Coal or other Mines ſhall or may have been dug, opened, or wrought, and likewiſe to enter into ſuch Colliery, or other Mines, and there to view, ſearch, and meaſure, latch-dial, and uſe all other Means for the diſcovering the Diſtance of the ſaid Ca-

nal, Collateral Cuts, and Towing Paths, from the working Parts of ſuch Mines reſpectively; and in caſe it ſhall appear that any Mine hath, ſince the paſſing of this Act, been opened or wrought under the ſaid Canal and Collateral Cuts, or any of the Works belonging thereto, or ſo near thereto as to endanger or damage the ſame, it ſhall be lawful for the ſaid Company of Proprietors, and for their Agents, Servants, or Workmen, at the Expence, Coſts, and Charges, of the Owners or Proprietors of ſuch Mine or Mines, to enter into and upon ſuch Mine or Mines, and from Time to Time to uſe all reaſonable Ways and Means for repairing, ſupporting, ſuſtaining, ſecuring, and making ſafe the ſaid Canal and Collateral Cuts, Towing Paths, and other Works, and ſuch Expences, Coſts, and Charges, ſhall be recovered by the ſaid Company of Proprietors, in caſe of Nonpayment thereof upon Demand, in ſuch and the ſame Manner as any Penalty is herein directed to be recovered, and ſhall be paid into the Hands of the Treaſurer to the ſaid Company of Proprietors for the Uſe and Benefit of the ſaid Company.

Power for Land Owners, &c. to make Rail-ways to Mines, Lime Stone Quarries, Furnaces, &c.

LXX. And be it further enacted, That in caſe the Proprietor or Proprietors of any Manor, Lands, or Hereditaments, containing any Mines of Coal, Iron Stone, or other Minerals, or any Quarries of Lime Stone, Free Stone, or other Stone or Slate, or the Proprietor or Proprietors of any Furnaces or other Works reſpectively, lying within the Diſtance of Three Miles from the ſaid Canal and Collateral Cuts, or any of them, or the Renters, Leſſees, or Occupiers, of ſuch Mines, Quarries, Furnaces, or other Works, ſhall find it expedient or neceſſary to make any Rail-way or Road for the Purpoſe of conveying his, her, or their Coals, Iron Stone, Minerals, Lime Stone, Free Stone, or other Stone or Slate, to the ſaid Canal and Collateral Cuts, or any of them, over the Lands of any other Perſon or Perſons, or to make any Bridges for that Purpoſe over any River, Brook, or Watercourſe, then and in every ſuch Caſe it ſhall be lawful for him, her, or them, to make ſuch Rail-way, Road, or Bridges, and alſo a proper and ſufficient Wharf or Landing Place, at the End of every ſuch Rail-way or Road on the Side of the ſaid Canal and Collateral Cuts, or any of them, he, ſhe, or they, firſt paying or tendering Satisfaction for the Damages to be thereby occaſioned to any Lands, Grounds, or Hereditaments, in Manner herein directed with reſpect to Land to be taken for the Purpoſes of this Act; and it ſhall be lawful for the Owner or Owners of, and Perſon or Perſons intereſted in, or who ſhall be in the Receipt of the Rents and Profits of ſuch Lands and Hereditaments reſpectively, to treat and agree with any ſuch Proprietor, Renter, Leſſee, or Occupier, for the Damage to be done to the Owner or Occupier of any ſuch Lands or Hereditaments, by making any ſuch Rail-way, Road, Bridge, Wharf, or Landing Place; and in caſe they cannot agree concerning the Amount or Value of ſuch Damage, or in caſe the Owner or Owners of, or Perſon or Perſons intereſted in, ſuch Lands or Hereditaments, ſhall refuſe or neglect to treat, or by Reaſon of Abſence, Incapacity, Diſability, or otherwiſe, ſhall be prevented from treating, then the ſame ſhall be ſettled and aſcertained by the ſaid Commiſſioners, and be ſubject to the Verdict of a Jury, if required, in ſuch and the like Manner as the Value of any Lands to be taken for making the ſaid Canal and Collateral Cuts, or any of the Works to belong thereto, are by this Act directed to be ſettled and aſcertained.

LXXI. And

Cuts may be made to Mines, with the Content of Land Owners.

LXXI. And be it further enacted, That it ſhall be lawful for the Proprietor or Proprietors of any Mines of Coal, Iron Stone, Free Stone, Lime Stone, Slate, or other Minerals, or of any Furnaces or other Works, to make any Navigable Cut from the ſame to communicate with the ſaid Canal and Collateral Cuts, or any of them, in ſuch Manner as he, ſhe, or they, ſhall think proper, in, through, or over, any Common or Waſte Lands, with the Conſent, under the Hand and Seal, of the Lord or Lady of the Manor, and alſo in, over, or through, any other Lands or Grounds with the like Conſent of the Owner or Owners thereof, or the Guardians, Truſtees, or Committees, of ſuch Owner or Owners, who may be under any Diſability or Incapacity of acting for themſelves, to communicate with any Mine, Quarry, Bed, or Pit of Coal, Lime Stone, Free Stone, or other Stone or Slate, or for any other Purpoſe whatſoever, ſo that no ſuch Cut be more than Two Miles in Length, and ſo that the ſame be done without diverting any Streams of Water which are neceſſary for ſupplying the ſaid Canal and Collateral Cuts, or any of them, or which are or ſhall be neceſſary for the Working of any Furnaces, Forges, or Mills, and without doing any Injury or Damage to the ſaid Navigation, and ſo as the Perſon or Perſons making every ſuch Cut ſhall (if thereunto required by the ſaid Company of Proprietors) make, erect, and maintain, a Stop Gate or Gates on every ſuch Cut, in order to prevent the Water being drained or waſted out of the ſaid Canal and Collateral Cuts, or any of them, by Means of making any ſuch Cut to communicate therewith as aforeſaid, and every ſuch Cut ſhall be publick and open to all Perſons for the Conveyance of any Goods, Wares, or other Things, in Boats or other Veſſels, upon Payment to the Perſon or Perſons at whoſe Charge and Expence ſuch Cut ſhall be made, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, of the like Tonnage as ſhall for the Time being be payable to the ſaid Company of Proprietors, upon ſuch Part of the ſaid Canal or the Collateral Cut as the ſaid Cut ſhall communicate with: Provided that Notice in Writing of the Intention to make any ſuch Cut be given to the ſaid Company of Proprietors, or to their Committee, or their Clerk, before ſuch Perſon or Perſons ſhall have begun to make the ſame, and that ſuch Cut ſhall be proceeded in with all due and reaſonable Speed after ſuch Notice given, and that the ſame ſhall lie under and be ſubject to all the Rules, Orders, and Reſtrictions of this Act, as far as the ſame can be made applicable thereto.

Subſcribers compelled to pay their Subſcriptions.

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

be lawful for the ſaid Company of Proprietors to ſue for and recover the ſame in any of His Majeſty's Courts of Record.

Compenſation to be made by the Company for the Diminution of Tolls at certain Turnpikes.

LXXIII. And whereas the making of the ſaid Canal may tend to leſſen the Amount of the Tolls and Duties payable at certain Turnpike Gates erected near the intended Line of the ſaid Canal, herein-after mentioned; that is to ſay, The *Llanymynech* Gate, the Gate on the new Bridge near *Llanymynech*, *Pool Church* Gate, the Gate at *Buttington Croſs*, on the Turnpike Road leading from *Pool* towards *New Quay*, *Ceynant* Gate, near *Pool Sarnybryncaled* Gate, on the *Newtown* Road, *Saint Giles*'s Gate on the ſame Road near *Newtown*, and the *Llanllwchaiarn* Gate near *Newtown*: And whereas ſeveral conſiderable Sums of Money, and Intereſt for the ſame, are now ſecured by Mortgage of the Tolls payable at the ſaid Gate called *Llanymynech* Gate, the Gate on the new Bridge near *Llanymynech*, and the ſaid Gate called *Pool Church* Gate, and ſeveral conſiderable Sums of Money, and Intereſt for the ſame, are now ſecured by Mortgage of the Tolls payable at the ſaid Gates called *Sarnybryncaled* Gate, and *Saint Giles*'s Gate, and ſeveral conſiderable Sums of Money, and Intereſt for the ſame, are alſo now ſecured by Mortgage of the Tolls payable at each of the other of the ſaid Gates, and in order that the Perſons entitled to ſuch Money may not be prejudiced in conſequence of making the ſaid Canal, the ſaid Company of Proprietors are willing to become anſwerable for any Deficiency which may happen in the Tolls collected at the ſaid reſpective Gates, after the ſaid Canal ſhall be completed, for Payment of the Intereſt of ſuch Money: Be it therefore further enacted, That from Time to Time, after the completing and finiſhing of the ſaid intended Canal, whenever the higheſt Tolls authorized by any Act or Acts of Parliament to be collected and taken at the Gates or Gate where the Tolls payable at the ſame are charged with or made a Security for any ſuch Sums of Money and Intereſt as aforeſaid, ſhall be collected and taken at ſuch Gates or Gate accordingly, and the Amount thereof ſhall in any Year be found inſufficient to diſcharge the Intereſt of the Principal Sums of Money now ſecured by Mortgage of the ſaid Tolls payable at ſuch Gates or Gate as aforeſaid, or ſo much of ſuch Principal Sums as ſhall for the Time being remain due and owing, (ſuch Tolls having for that Year been fairly and *bona fide* let by publick Auction to the beſt Bidder or Bidders), the Deficiency of ſuch Tolls for paying ſuch Intereſt ſhall be made up by the ſaid Company of Proprietors, and ſhall be and are hereby charged on the Rates by this Act made payable to them; and the ſaid Company of Proprietors, or their Treaſurer, ſhall from Time to Time pay every ſuch Deficiency into the Hands of the Treaſurer of the Diſtrict of Road wherein ſuch Gates or Gate are or is ſituate, to be applied for or towards diſcharging the Intereſt of the Principal Money due and owing upon ſuch Tolls for the Time being as aforeſaid; and the Treaſurer of ſuch Diſtrict of Road is hereby directed and required to ſign and deliver to the ſaid Company of Proprietors, or their Treaſurer, on the Receipt of every ſuch Deficiency, a proper Diſcharge for the ſame; and in caſe of Nonpayment of any ſuch Deficiency for the Space of Three Calendar Months next after the ſame ſhall have been demanded by the Treaſurer of any ſuch Diſtrict of Road, of and from the principal Clerk or Treaſurer to the ſaid Company of Proprietors, the ſame ſhall be recovered from the ſaid

Company of Proprietors by Action of Debt, or upon the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Great Seſſions for the County of *Montgomery*: Provided always, That in caſe the Truſtees for the Care of the Road whereon any ſuch Turnpike Gate as aforeſaid now ſtands ſhall, without the Conſent of the ſaid Company of Proprietors under their Common Seal, take down or remove ſuch Turnpike before the Principal Sums now due and owing upon the Credit of the Tolls payable at ſuch Gate, jointly with the Tolls payable at any other of the ſaid Gates, or otherwiſe, ſhall have been fully paid off and diſcharged, then the ſaid Company of Proprietors ſhall from thenceforth be acquitted and diſcharged from the Payment of any Money towards making up the Intereſt of ſuch Principal Sum or Sums, any Thing herein-before contained to the contrary hereof notwithſtanding: Provided alſo, that any Perſon or Perſons appointed for that Purpoſe under the Common Seal of the ſaid Company of Proprietors, ſhall have free Liberty at any ſeaſonable Time or Times after any Demand ſhall have been made upon them for any Sum of Money to make up any ſuch Deficiency in the Tolls as aforeſaid, to inſpect all or any of the Books of Account of the Truſtees for the Care of the Road on which ſuch Tolls ſhall be payable, and to take any Copies thereof, or Extracts therefrom, without Fee or Reward, and in caſe the Perſon having the Care or Cuſtody of any ſuch Books ſhall refuſe or neglect to permit any ſuch Inſpection, or the taking any ſuch Copy or Extract, the ſaid Company of Proprietors ſhall not be liable or compellable to pay any Sum which ſhall have been ſo demanded until ſuch Inſpection ſhall be permitted to take place.

Company may remove ſuch Turnpikes in certain Caſes.

LXXIV. And whereas the ſaid Company of Proprietors may find it proper, in conſequence of making the ſaid Canal, that ſome of the ſaid Turnpike Gates ſhould be removed to other Parts of the ſaid Roads than where they now reſpectively ſtand; be it therefore further enacted, That the ſaid Company of Proprietors ſhall, after the ſaid Canal ſhall be completed, have the like Powers and Authorities for taking down any ſuch Turnpike Gate as aforeſaid, and alſo the Toll Houſe (if any) belonging thereto, and of erecting the ſame, or another Turnpike Gate and Toll Houſe inſtead thereof, upon or acroſs any other Part of the Road on which ſuch Gate now ſtands, or within the ſame Diſtrict, as the Truſtees for the Care of ſuch Road now have by virtue of any Act or Acts of Parliament, (the Expence thereof to be borne and paid by the ſaid Company of Proprietors); and every Turnpike Gate ſo to be erected by the ſaid Company of Proprietors as aforeſaid, ſhall be deemed and taken to be a Turnpike Gate erected by ſuch Truſtees, in purſuance of ſuch Act or Acts: Provided nevertheleſs, That no ſuch Turnpike Gate ſhall be taken down by the ſaid Company of Proprietors by virtue of this Act, without the Conſent of the Perſon or Perſons entitled to Three Fourth Parts at the leaſt of the Principal Money which ſhall for the Time being be due and owing upon the Credit of the Tolls payable at the Turnpike.

Directions reſpecting a Feeder from the *Tannat*,

LXXV. And whereas Application is intended to be made to Parliament in a future Seſſion, by the Company of Proprietors of the *Elleſmere*

In case of a Communication with the *Ellesmere* Canal.

*mere* Canal, for Power to make a Navigable Canal from the *Ellesmere* Canal, in the Townſhip of *Preſhenlle*, in the County of *Salop*, to communicate with the ſaid intended *Montgomeryſhire* Canal, at or near *Porthywain* Lime Rocks aforeſaid, and it will be neceſſary that ſuch Canal, as well as the ſaid *Montgomeryſhire* Canal, ſhould be ſupplied with Water from the ſaid River *Tannat*, by Means of a Trench or Feeder to be made from the ſaid River at or near *Abercynlleth* to the ſaid *Porthywain* Lime Rocks; be it therefore further enacted, That in caſe an Act of Parliament ſhall be obtained by the Company of Proprietors of the *Ellesmere* Canal for making a Navigable Canal to communicate with the ſaid *Montgomeryſhire* Canal as aforeſaid, then as ſoon as ſuch Communication ſhall take place, and ſuch Trench or Feeder ſhall have been made from the River *Tannat* as aforeſaid, the Water conveyed by ſuch Trench or Feeder (whether ſuch Trench or Feeder ſhall have been made by the Company of Proprietors of the *Montgomeryſhire* Canal or by the Company of Proprietors of the *Ellesmere* Canal) ſhall be divided between and conveyed into the ſaid Canals in ſuch Proportions, and by ſuch Ways and Means, as ſhall be aſcertained, directed, and appointed by Two Engineers, One to be appointed by a Committee of the Company of Proprietors of the ſaid *Montgomeryſhire* Canal, and the other by a Committee of the Company of Proprietors of the *Ellesmere* Canal, by Writing under their reſpective Hands and Seals, or (in caſe the ſaid Engineers ſhall not agree in Opinion thereon, then) by an Umpire to be appointed by them, by Writing under their Hands and Seals, and the Company of Proprietors by whom ſuch Trench or Feeder ſhall have been made, ſhall be paid or reimburſed by the other of the ſaid Companies ſuch Proportion of the Charges and Expences of making the ſame, as the ſaid Engineers, or (in caſe of their differing in Opinion thereon) ſuch Perſon as they ſhall appoint in Manner aforeſaid as Umpire between them, ſhall direct, and the ſaid Engineers or Umpire ſhall make and duly execute an Award touching the reſpective Matters aforeſaid, as ſoon as conveniently may be, and the ſame ſhall be final and concluſive upon both the ſaid Companies of Proprietors.

Majority of Proprietors may make future Applications to Parliament for Power to open Communications with the Canals.

LXXVI. And whereas the major Part of the ſaid Company of Proprietors may hereafter judge it expedient to make Application to Parliament for Power to make other Navigable Communications with the ſaid Canal and Cuts, or ſome of them, than ſuch as are authorized by this Act, but by Reaſon of Infancy, or otherwiſe, may not be able to obtain the Conſent and Concurrence of all the Proprietors to make ſuch Application; be it therefore further enacted, That in caſe the Perſons entitled to Three Fourth Parts of the Number of Shares in the ſaid Navigation ſhall, at any General or Special Aſſembly of the ſaid Company of Proprietors, think it proper to make any ſuch Application to Parliament, it ſhall be lawful for them to order and cauſe the Common Seal of the ſaid Company of Proprietors to be affixed to any Petition for that Purpoſe, and ſuch Application to be proceeded in and proſecuted, and any Money ariſing by virtue of this Act to be applied in defraying the Expences incurred by or in conſequence of any ſuch Application, and the ſame ſhall be deemed to be the Act of the Whole of the ſaid Company of Proprietors, in like Manner, and as fully and effectually as if every

One of the ſaid Proprietors had been capable of acting for himſelf or herſelf, and had attended ſuch General or Special Aſſembly, and concurred therein; and it ſhall be lawful for the Guardians, Truſtees, or Committees of the Proprietors of any ſuch Shares, being Minors, Lunatics, or under any other Diſability or Incapacity of acting for themſelves, and the Executors or Adminiſtrators of any deceaſed Proprietors of ſuch Shares, to apply any of the Money which ſhall come to their Hands as Guardians, Truſtees, Committees, Executors, or Adminiſtrators as aforeſaid, towards defraying the proportionable Shares of the Expences incurred by and in conſequence of any ſuch Application; which ſhall be payable by the Perſons on whoſe Behalf they act, or to raiſe Money for that Purpoſe by Mortgage of any ſuch Shares, which Mortgages they are hereby authorized to make by Writing under their Hands and Seals; and the ſame ſhall be valid and effectual.

Recovery of Forfeitures.

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

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

LXXVIII. And be it further enacted, That where any Diſtreſs ſhall be made for any Sum of Money to be levied by virtue of this Act, the Diſtreſs itſelf ſhall not be deemed unlawful, nor ſhall the Party or Parties making the ſame be deemed a Treſpaſſer or Treſpaſſers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Diſtreſs, or other Proceeding relating thereto, nor ſhall the Party or Parties diſtraining be deemed a Treſpaſſer or Treſpaſſers, *ab initio*, on Account of any Irregularity which ſhall be afterwards committed by the Party or Parties diſtraining, but the Perſon or Perſons aggrieved by ſuch Irregularity ſhall and may recover full Satisfaction for the Special Damage in an Action upon the Caſe.

LXXIX. And

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

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before 'me *C. D.* One of His Majeſty's Juſtices of the Peace for the County 'of [*ſpecifying the Offence, and the Time and Place when 'and where committed, as the Caſe may be*] contrary to an Act of Par- 'liament paſſed in the Thirty-fourth Year of the Reign of King *George* 'the Third, intituled [*ſet forth the Title of the Act*]. Given under 'my Hand and Seal the Day and Year firſt above mentioned.'

Appeal.

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

Proceedings not to be quaſhed for Want of Form, nor removed by *Certiorari*.

Limitation of Actions.

LXXXI. And be it further enacted, That if any Action or Suit ſhall be brought or commenced againſt any Perſon or Perſons for any Thing done in purſuance of this Act, every ſuch Action or Suit ſhall be brought or commenced within Six Calendar Months next after the Fact committed, or in caſe there ſhall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing ſuch Damage ſhall have ceaſed, and not afterwards, and ſhall be laid and brought in the County where the Matter in Diſpute or Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon,

and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall appear to have been ſo done, or if any ſuch Action or Suit ſhall be brought after the Time ſo limited for bringing the ſame, or ſhall be brought in any other County or Place than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become Nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action or Suit, after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon a 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.

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

# The SCHEDULE to which the foregoing Act of Parliament refers.

| *Owners.* | *Occupiers.* | *Tenements.* | *Where ſituate.* | *Pariſhes.* |
|---|---|---|---|---|
| | | | *County of SALOP.* | |
| Earl of Powis | Richard Jones | Garden | Porthywaen | Llanyblodwell. |
| Sir Henry Bridgeman | Richard Gittins | D° | Blodwell | D°. |
| | | | *County of DENBIGH.* | |
| Thomas Jones | Gabriel Thomas | Orchard and Garden | Carreghofa | Llanymynech. |
| | | | *County of MONTGOMERY.* | |
| James Turner | David Thomas | Houſe and Garden | Ruſſnant | Llandyfilfo. |
| John Kynaſton | Thomas Fox | Garden | Trederwen | Llandrinio. |
| D° — | Elizabeth Richards | D° | D° | D°. |
| D° — | Thomas Roberts | D° | D° | D°. |
| John Hughes | Richard Richards | D° | Burgedin | Guilsfield. |
| John Bratton | Thomas Davies | Fold, Yard, and Garden | D° | D°. |
| Earl of Powis | Margaret Owen | Garden | Varchoel | D°. |
| Reverend Edward Powys | David Daniel | Orchard | D° | D°. |
| Earl of Powis | Jeffrey Hopkin | D° | Tirymynech | D°. |
| D° — | John Jones | D° | D° | D°. |
| D° — | Thomas Davies | Garden and Orchard | Gyngrogfawr | Pool. |
| David Richard | Jacob Humphreys | Garden | Welch Town | D°. |
| Earl of Powis | Richard Smith | D° | Pool | D°. |
| D° — | Samuel Evans | D° | Trallwmgollen | D°. |
| Humphrey Jones | Humphrey Jones | Nurſery | Garthmill | Berriew. |
| Meſſieurs Lion and Winder | Elizabeth Ambroſe | Garden | Truſtewelin | D°. |
| D° — | Evan Davies | D° | D° | D°. |
| D° — | Mary Broughton | D° | D° | D°. |
| Richard Prichard | Richard Prichard | Orchard | D° | D°. |
| Thomas Hughes | Thomas Hughes | Garden | D° | D°. |
| Charles Humphreys | Charles Humphreys | D° | D° | D°. |
| Reverend John Price | Charles Bottrell | Orchard | Dolforwyn | Bettws. |
| Matthew Jones | David Evans | Orchard and Garden | Gweſtydd | Llanllwchaiarn. |
| | | | *County of DENBIGH.* | |
| Richard Middleton | Henry Lloyd | Cottage and Garden | Carreghofa | Llanymynech. |
| | | | *County of MONTGOMERY.* | |
| Devereux Mytton | Evan Jones | Garden | Varchoel | Guilsfield. |
| William Tilſley | Charles Griffiths | Garden and Plantation | Hendidley | Llanllwchaiarn. |
| Richard Evans and Thomas Matthews | Elizabeth Davies, Rebecca Jehu, Richard Simon, William Lewis, Arthur Francis | Houſe in Five Dwellings, and a Garden | D° | D°. |
| Richard Gittins | John Pugh, Thomas Hall, Margaret Thomas, Elizabeth Wooſnam | Houſe in Four Dwellings, and a Garden | D° | D°. |
| Charles Gittins | Charles Gittins | Houſe and Garden | D° | D°. |

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FINIS.