ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. LXXXVI.

An Act for making and maintaining a Navigable Canal, with certain Rail Ways, and Stone Roads, from ſeveral Collieries, in the County of *Somerſet*, to communicate with the intended *Kennet* and *Avon* Canal, in the Pariſh of *Bradford*, in the County of *Wilts*. [17th *April* 1794.]

WHEREAS the making and maintaining a Canal, for the Navigation of Boats, Barges, and other Veſſels, in One Line, from or from near a Place called *Gooſehard*, otherwiſe *Gooſeyard Bridge*, in the Pariſh of *High Littleton*, through the ſeveral Pariſhes of *Paulton*, *Timſbury*, otherwiſe *Timſborough*, *Midſomer Norton*, *Camerton*, *Dunkerton*, *Combhay*, and *Southſtoke*, and alſo in another Line from or from near *Welton* Coal Work, in the Pariſh of *Midſomer Norton* aforeſaid, through the ſaid Pariſh, and the ſeveral Pariſhes of *Radſtock*, otherwiſe *Radſtoke*, *Writhlington*, *Foxcote*, otherwiſe *Foſcote*, *Wellow*, and *Charter Houſe Hinton*, to join the ſaid firſt mentioned Line at or nearly at *Mitford*, in the ſaid Pariſh of *Wellow*, all in the County of *Somerſet*; and the continuing of the ſaid Canal from thence through the Tything of *Lympley Stoke*, in the Pariſh of *Bradford*, in the County of *Wilts*, and the Pariſh of *Monckton Coomb* in the ſaid County of *Somerſet*, to or near a certain Bridge in the Pariſh of *Monckton Coomb* aforeſaid, and in the Tything of *Lympley Stoke*, in the Pariſh of *Bradford* aforeſaid, where it is intended or propoſed to join or communicate with the Canal intended Preamb.

or propoſed to be cut or made from or from near *Newbury*, in the County of *Berks*, to or near the City of *Bath*, in the County of *Somerſet*; and the making and maintaining of Rail or Carriage Ways, or Stone Roads, for the Paſſage of Waggons and other Carriages to and from ſuch Canal, will open a Communication with ſeveral conſiderable Collieries, Stone, Free Stone, and other Stone Quarries, in the ſaid Counties of *Somerſet* and *Wilts*, whereby the Carriage and Conveyance of Coal, Lime, and Stone, Marl, Fuller's Earth, and all Kinds of Merchandize, to and from the different Places bordering on or near the ſaid intended Canal and Rail Ways or Stone Roads, will be greatly facilitated and rendered leſs expenſive than at preſent, and will tend greatly to improve the Lands and Eſtates near the ſaid Canal, and the ſaid Undertaking will in other Reſpects be of great publick Utility: And whereas the ſeveral Perſons herein-after named are willing and deſirous, at their own Expence, to make and maintain the ſaid Canal and other Works, 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 *Alexander Adams*, *George Adams*, *Edward Andrews*, *Benjamin Andrews*, *John Band*, the Reverend *William Brudenell Barter*, *Charles Bartlett*, *Iſaac Bence*, *Angus Bethune*, *John Paine Berjew*, *Benjamin Bickley*, *Richard Biggs*, *James Biggs*, *Thomas Biggs*, *Robert Birg*, *William Birch*, *John Birch*, *John Billingſly*, *Richard Blake*, *Mary Bowſher*, *Worthington Brice*, *Joſeph Brodribb*, *Thomas Brodribb*, *Ann Whipple Brodribb*, *Elizabeth Brodribb*, *William Broderip*, *Walter Browne*, *Henry Brooke*, *William Bruncher*, *Thomas Bury*, *William Bulgin*, *James Buſh*, *Edward Rolle Clayfield*, *Robert Clarke*, *William Clark*, *Daniel Clutterbuck*, *William Counſel*, *Ebenezer Coombs*, *William Coates*, *William Court*, *Elizabeth Cook*, *Iſaac Cooke*, *Iſaac Collett*, *William Crang*, *John Crang*, *Thomas Croſs* ſenior, *Richard Cratwell*, *Charles Davis*, *Gregory Derham*, *James Dudden* junior, *George Evans*, *Francis Faulkner*, *Charles Fiſher*, *Henry Fiſher*, *Thomas Fiſher*, *James Flower*, *Anthony Fletcher*, *William Fripp*, *Ralph Hale Gaby*, *Walter Gaby*, *Thomas Gaisford*, *William Gardner*, *Philip George*, *William Gilby*, *John Golden*, the Reverend *Henry Gould*, *Mary Godfrey*, *Thomas Graves*, *Robert Gray*, *Richard Gray*, *Benjamin Greenhill*, *Edmund Trowbridge Halliday*, *John Hardcaſtle*, *Richard Hewlett*, *Joſeph Hellicar*, *Ames Hellicar* ſenior, *Thomas Hellicar*, *Joſeph Hill*, *John Horton*, *Thomas Horton*, *Thomas Hoare*, *William Hooper*, *John Hurle*, *John James*, *John James*, The Reverend *John Jenkyns*, *Thomas Jefferys*, Dame *Elizabeth Jones*, *Thomas Samuel Joliffe*, *Thomas King* ſenior, *Anthony Kington*, *Henry Knight*, *Richard Langford*, *Robert Langford*, *Lawrence Lanſdown*, *Godfrey Lowe*, *William Lovell*, *John Lovell*, *Robert Saint John Lucas*, *John Salt Wynell Mayow*, *William Matthews*, *William Meyler*, *William Melliar*, *Richard Miles*, *William Miles*, *Abraham Allen Miles*, *Robert Mitchell*, *Robert Moody*, *Robert Moody* junior, *Jacob Mogg*, *George Mogg*, *Martha Hodges Mogg*, *Dorothy Mogg*, *William Moore*, *Walter Morgan*, *Charles Moſs*, *Betty Nichols*, *James Norris*, *Simon Oliver*, *Thomas Ormerod*, *Thomas Palmer*, *Samborne Palmer*, *Francis Page*, *Caleb Hillier Parry*, *Edward Parfitt*, *William Parſons*, *William Pearce*, The Reverend *Thomas Horner Pearſon*, *Richard Perkins*, *Eleazer Pickwick*, *John Prideaux*, *Martha Price*, *Alexander Popham*, *Dorothy Popham*, *John Purnell*, *Thomas Randall*, *Thomas Randall* and *John James*,

James, (as Truſtees for *Anna Maria*, and *Eliza Hill*), *James Randolph*, *Thomas Rendall*, *Hugh Percy Ridpath*, *John Ridout*, *Robert Reſſer*, *Samuel Rogers*, *Charles Savage*, *James Savage*, *Benjamin Shaw*, *William Sheldon*, *William Sheppard*, *Mary Barnes Smith*, *James Smith*, *Edward Spencer*, *Charles Spackman*, *James Stephens*, *George Thorne*, *James Tooker*, *John Trutch*, *Nathaniel Troughton*, *Edward Tuſon*, The Reverend *Richard Valpy* D. D. *Joſeph Umphelby*, *Henry Walters* junior, *Samuel Ward*, *Grace Webb*, *William Webber*, *Francis Edwards Whalley*, *William Lambert White*, *Frederick White*, The Reverend *John Williams*, *Richard Cooke Winpenny*, *John Winpenny*, *Joſeph Winpenny*, *Mary Wooldridge*, *Francis Butcher Wright*, and ſuch other Perſon or Perſons as they or the major Part of them aſſembled at any General Meeting to be held as herein-after mentioned, ſhall nominate and appoint, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, being Proprietors of any Share or Shares in the Navigation and Undertaking, hereby authorized to be made and carried on, ſhall be, and they are hereby united into a Company for the carrying on, making, completing, and maintaining, the ſaid Canal, Rail or Carriage Ways or Stone Roads, according to the Rules, Orders and Directions, herein-after mentioned and expreſſed, and ſhall for that Purpoſe be one Body Politick and Corporate, by the Name of *The Company of Proprietors of the Somerſetſhire Coal Canal Navigation*, and by that Name ſhall have perpetual Succeſſion, and a Common Seal, and by that Name ſhall and may ſue and be ſued, and ſhall alſo have full Power and Authority to purchaſe Meſſuages, Mills, Lands, Tenements, and Hereditaments, to them, their Succeſſors and Aſſigns, for the Uſe of the ſaid Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and alſo to ſell and diſpoſe of any of the ſaid Meſſuages, Mills, Lands, Tenements, and Hereditaments ſo purchaſed; and that it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby fully authorized and impowered by themſelves, their Deputies, Agents, Officers, Workmen, Servants, or Aſſiſtants, to make and keep navigable and paſſable for Boats, Barges, and other Veſſels, a Canal in one Line from any Place at or near *Gooſehard* otherwiſe *Gooſeyard Bridge*, in the Pariſh of *High Littleton* in the ſaid County of *Somerſet*, and paſſing through the ſeveral Pariſhes of *Paulton*, *Timſbury* otherwiſe *Timſborough*, *Midſomer Norton*, *Camerton*, *Dunkerton*, *Coombhay*, and *Southſtoke*, in the ſame County, and alſo in another Line from or from near *Welton Coal-work* in the Pariſh of *Midſomer Norton* aforeſaid, and paſſing through the Pariſh of *Midſomer Norton* aforeſaid, and the ſeveral Pariſhes of *Radſtock* otherwiſe *Radſtoke*, *Writhlington*, *Foxcote* otherwiſe *Foſcote*, *Wellow* and *Charter-Houſe-Hinton*, all in the ſaid County of *Somerſet*, where the Two Lines will join at or near *Mitford* in the Pariſh of *Wellow* aforeſaid, and to continue the ſaid Canal from thence through the Tything of *Lympley Stoke* in the Pariſh of *Bradford* in the County of *Wilts*, and the Pariſh of *Monckton Coombe*, in the ſaid County of *Somerſet*, to or near to a certain Bridge in the ſaid Pariſh of *Monckton Coombe*, and in the Tything of *Lympley Stoke*, in the Pariſh of *Bradford* aforeſaid, there to join or communicate with the ſaid intended Canal from or from near *Newbury*, to or near to *Bath* aforeſaid; and they are alſo hereby authorized and required to make and maintain certain Rail or Carriage Ways or Stone Roads from the ſaid Canal, in the ſeveral Pariſhes of *Clutton*, *Farmborough* in the ſaid County of *Somerſet*, and the ſeveral Pariſhes of *High-Littleton*, *Timſbury* otherwiſe *Timſborough*, *Paulton*, *Dunkerton*,

Proprietors united into a Company.

Their Powers.

kerton, *Midſomer Norton*, *Radſtock*, otherwiſe *Radſtoke*, *Writhlington*, and *Monckton-Coombe* aforeſaid, as marked and delineated in the Map or Plan herein-after referred to, and alſo from Time to Time to make and maintain ſuch and ſo many other Rail or Carriage Ways or Stone Roads from the ſaid Canal, and Rail or Carriage Ways or Stone Roads, marked and delineated on the ſaid Map or Plan, and hereby authorized to be made to any other Coal Works or Stone Quarries already or hereafter to be eſtabliſhed within the Diſtance of Two thouſand Yards from the ſaid Canal, or the ſaid laſt-mentioned Rail or Carriage Ways or Stone Roads, or any or either of them, or from any Part thereof reſpectively, as they the ſaid Company of Proprietors ſhall think proper; and the ſaid Company of Proprietors, and their Succeſſors, are hereby fully authorized and empowered by themſelves, their Deputies, Agents, Workmen, or Servants, to ſupply the ſaid intended Canal whilſt the ſame ſhall be making, and at all Times for ever after the ſame ſhall be made, with Water from all ſuch Springs as ſhall be found in making the ſame, and from all Rivers, Springs, Brooks, Streams, and Watercourſes whatſoever, which are or ſhall be found within the Diſtance of Two thouſand Yards from any Part thereof, or from any Reſervoir or Reſervoirs belonging thereto, to be made as after mentioned; nevertheleſs without Prejudice to any Mills, Water Wheels, Works, Dwelling Houſes, or Lands, heretofore ſupplied with ſuch Water, and for that Purpoſe to cleanſe, ſcour, deepen, enlarge, or ſtraighten, any ſuch Rivers, Brooks, Streams, or Watercourſes, or any other which may come, run, or be brought into the ſame reſpectively; and alſo to make One or more Reſervoir or Reſervoirs for the Purpoſe of ſupplying the ſaid Canal with Water, and to make, erect, and ſet up, ſo many Steam Engines and other Machines with proper Soughs, Tunnels, Feeders, Aqueducts, or Trenches, for conveying Water to and from the ſaid Engines and Machines, for ſupplying the ſaid Canal and Reſervoir or Reſervoirs with Water, and for conveying Water from any ſuch Reſervoir or Reſevoirs to the ſaid Canal; and alſo to fix, erect, ſet up, preſerve, keep, and maintain, ſuch and ſo many Gauges for aſcertaining the Exceſs and Surplus of Water as herein-after mentioned, or for any other Purpoſe neceſſary for the better making and maintaining ſuch Canal, as they the ſaid Company of Proprietors ſhall from Time to Time think proper and expedient; and for the ſeveral Purpoſes aforeſaid, to enter into and upon the Lands of or belonging to His Royal Highneſs the Prince of *Wales*, appendant to the Duchy of *Cornwall*, or of or belonging to any Perſon or Perſons, Bodies Politick or Corporate whatſoever, and to ſurvey and take Levels of the ſame or any Part thereof, and to ſet out and aſcertain ſuch Part or Parts thereof as they the ſaid Company of Proprietors ſhall think neceſſary and proper for the making, completing, maintaining, improving, and uſing the ſaid Canal, Rail or Carriage Ways or Stone Roads, Reſervoirs, and other Works and Conveniencies hereby authorized to be made, and there to bore, dig, cut, trench, and ſough, and alſo to remove, carry away, and take any Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things whatſoever, which ſhall or may be dug or got in the making, or which may hinder, prevent, or obſtruct, the making, carrying on, maintaining, or repairing ſuch Canal, Reſervoirs, Rail or Carriage Ways or Stone Roads, and other Works reſpectively, or ſuch Feeders, Trenches, Soughs, Paſſages, Aqueducts, and Watercourſes, as

as ſhall or may be neceſſary and proper to convey Water to or from the ſaid Canal or Reſervoirs reſpectively, according to the true Intent of this Act; and alſo to make, build, erect, and ſet up, in or upon the ſaid Canal, and Rail or Carriage Ways or Stone Roads reſpectively, or in or upon the Lands adjoining or near thereto, ſuch and ſo many Bridges, Tunnels, Aqueducts, Soughs, Sluices, Locks, Flood-gates, Weirs, Water Stanks, Drains, Wharfs, Quays, Toll Houſes, Warehouſes, Watch Houſes, Landing Places, Weighing Beams, Cranes, Dry Docks, Fire Engines, or other Machines, Ways, Roads, and Conveniencies, as and where the ſaid Company of Proprietors ſhall think requiſite and convenient, and from Time to Time to alter, repair, and amend, or diſcontinue the ſame, as ſhall be thought expedient and uſeful for the Purpoſes of the ſaid Navigation and Undertaking, and for the carrying and conveying of Coal, Stone, and other Minerals, Goods, Wares, Merchandize, and other Things, to and from the ſaid Canal, Rail or Carriage Ways or Stone Roads reſpectively, and for the carrying and conveying of all Manner of Materials neceſſary for the making, erecting, finiſhing, altering, repairing, amending, widening, or enlarging, the ſaid Canal, Rail or Carriage Ways or Stone Roads, and other Works reſpectively, and to place, lay, work, or manufacture, any ſuch Materials on the Lands near to the Place or Places where the ſaid Works or any of them ſhall be carried on; and alſo from Time to Time to make, maintain, repair, and alter, any Fences, Roads, or Paſſages over, under, or through the ſaid Canal, Rail or Carriage Ways or Stone Roads reſpectively; or the Tunnels, Aqueducts, Soughs, Trenches, Gutters, Watercourſes, and Sluices reſpectively, which ſhall communicate with ſuch Canal; and alſo to make, ſet out, and appoint, ſuch Towing Paths, Banks, Roads, and Ways, for the towing, hauling, or drawing of Boats, Barges and other Veſſels paſſing in, through, or upon, the ſaid Canal with Men, Horſes, or otherwiſe, and ſuch convenient Places for Boats, Barges, and other Veſſels to turn, lie, or paſs each other, as the ſaid Company of Proprietors ſhall think proper and expedient; and alſo to dig, take, and carry away, any Soil, Clay, Gravel, or Stone, which ſhall be proper, requiſite, and convenient, for the carrying on, repairing, and maintaining, of the ſeveral Works aforeſaid, or any of them, in or from the Land or Lands of any Perſon or Perſons adjoining, or lying contiguous thereto, or within the Diſtance of Two thouſand Yards thereof; and alſo to conſtruct, ſet up, make and do all or any other Works, Matters, and Things whatſoever, which they ſhall think requiſite and neceſſary or convenient for the making, carrying on, completing, repairing, improving, maintaining, and uſing the ſaid Canal, and the ſaid Rail or Carriage Ways or Stone Roads reſpectively, in purſuance and within the true Intent and Meaning of this Act, they the ſaid Company of Proprietors and their ſeveral Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the ſeveral Powers to them hereby granted, and from Time to Time making Satisfaction, in the Manner herein-after mentioned, to the Owners or Proprietors of and other Perſons intereſted in the Lands, Tenements, or Hereditaments, Waters, Watercourſes, Brooks, or Rivers reſpectively, which ſhall or may be taken, uſed, removed, diverted, or prejudiced, for the Purpoſes aforeſaid, for all Damages to be by them reſpectively ſuſtained by Means or in Conſequence of the Execution of the Powers hereby given (ſubject nevertheleſs to the ſeveral Regulations herein-after contained).

II. Pro-

Company not to be compelled to make Rail Roads till Security given to produce a certain Tonnage, &c.

II. Provided always, That the ſaid Company of Proprietors ſhall not be compelled or compellable to make the Rail or Carriage Way o Stone Road, from the ſaid Canal to the Stone Quarries at *Monckton Coombe* as marked and delineated on the ſaid Plan, unleſs the ſaid Company of Proprietors ſhall think proper ſo to do, or to make any of the ſaid Rail or Carriage Ways or Stone Roads, marked or delineated on the ſaid Map or Plan, to or for the Accommodation of any of the ſaid Coal Works, unleſs the Owners or Proprietors of ſuch Coal Works ſhall give or enter into ſuch Security to the ſaid Company of Proprietors as ſhall be ſatisfactory to them, in a Sum to the Amount of the Expence of making ſuch Rail or Carriage Ways or Stone Roads, to bring ſuch a Quantity of Coal, Stone, Timber, Minerals, or other Wares or Goods down or upon ſuch Rail or Carriage Ways or Stone Roads, and to be carried on the ſaid Canal, as ſhall produce a Tonnage on the ſaid Canal to the ſaid Company of Proprietors, ſufficient to pay, or that they will pay in Money to the ſaid Company of Proprietors, an Intereſt of at leaſt as much *per Centum per Annum* for the Money actually laid out and expended in making ſuch Rail or Carriage Ways or Stone Roads reſpectively, as ſhall at that Time, and ſo from Time to Time afterwards be received by the ſaid Company of Proprietors, on the Capital Sum by them laid out and expended in the forming, making, and carrying, the ſaid Canal into Execution, from the Tonnage on Coal only: And alſo, that in caſe the Owner or Owners, Proprietor or Proprietors, of ſuch Coal Works ſhall omit to ſupply a Tonnage on the ſaid Canal from ſuch Coal Work or Coal Works, to which any ſuch Rail or Carriage Way or Stone Road, Rail or Carriage Ways or Stone Roads, ſhall be made as aforeſaid, or pay a Sum of Money as aforeſaid, ſufficient to produce in every Year, ſuch Intereſt as aforeſaid, that ſuch Owner or Owners, or Proprietor or Proprietors, of ſuch Coal Work or Coal Works, to which ſuch Rail or Carriage Way or Stone Road, or Rail or Carriage Ways or Stone Roads, ſhall be ſo made, ſhall, at the Expiration of Three Years next after he, ſhe, or they, ſhall have omitted to ſupply ſuch Tonnage, or pay ſuch Money as aforeſaid, pay to the ſaid Company of Proprietors One full Third Part of all the Coſts, Charges, and Expences, attending the forming, making, completing, and finiſhing, ſuch Rail or Carriage Way or Stone Road, or Rail or Carriage Ways or Stone Roads, and of purchaſing Houſes or Lands for that Purpoſe: Provided, that it ſhall and may be lawful to and for the Owner or Owners, Proprietor or Proprietors, of ſuch Coal Work or Coal Works, ſo omitting to ſupply the Quantity of Tonnage as aforeſaid, or to pay ſuch Sum of Money as aforeſaid, to deduct out of ſuch One Third Part of ſuch Coſts, Charges, and Expences, all Money which ſhall have been from Time to Time received by the ſaid Company of Proprietors for Tonnage of Coal, Stone, Timber, Minerals, or other Wares or Goods, brought or carried down or upon ſuch Rail or Carriage Ways or Stone Roads, and carried on the ſaid Canal; or ſuch Money ſo paid as aforeſaid, over and above the Sum of Five Pounds *per Centum per Annum* for the Money actually laid out and expended in making ſuch Rail or Carriage Way or Stone Road, or Rail or Carriage Ways or Stone Roads as aforeſaid.

When certain Rail Roads to be-

III. Provided alſo, That, at the Expiration of the ſaid Three Years, every ſuch Rail or Carriage Way or Stone Road, and all the Materials of which the ſame ſhall be formed and made, and alſo the Land and Ground

on or over which the ſame ſhall be made and formed, ſhall become the Property of the ſaid Company of Proprietors, who ſhall be at Liberty to ſell and diſpoſe of and convert the ſame, or the Money to ariſe from ſuch Sale, to the Uſe and for the Benefit of the ſaid Company of Proprietors.

come the Property of the Company.

IV. Provided alſo, That if the ſaid Company of Proprietors ſhall be minded or deſirous to ſell any of the Land or Ground through or over which ſuch Rail or Carriage Way or Stone Road, or Rail or Carriage Ways or Stone Roads, ſhall have been ſo made, that then the Perſon or Perſons, of whom the ſame ſhall have been purchaſed for the Purpoſe of making ſuch Rail or Carriage Way or Stone Road, or Rail or Carriage Ways or Stone Roads, ſhall be entitled to purchaſe the ſame in Preference to any other Perſon or Perſons whomſoever, and at a Price not exceeding the Price given for the ſame by the ſaid Company of Proprietors, provided that ſuch Perſon or Perſons who ſhall be minded or deſirous to take the Benefit of ſuch Preference ſhall give Notice of ſuch his, her, or their Deſire, before the Expiration of the ſaid Three Years, to the ſaid Company of Proprietors; and in caſe ſuch Perſon or Perſons, ſo deſiring to purchaſe, and the ſaid Company of Proprietors, ſhall not agree touching the Value of ſuch Land or Ground, then the ſame ſhall be ſettled by the Commiſſioners herein mentioned, in the ſame Manner as other Diſputes are herein directed to be ſettled.

If ſuch Roads be ſold, former Owners ſhall have the Preference in repurchaſing.

V. Provided alſo, That where any Rail or Carriage Way, or Rail or Carriage Ways, or Stone Road or Stone Roads, ſhall extend to and accommodate various Coal Works, ſome of which Coal Works may continue to ſupply a Quantity of Coal to be carried on the ſaid Canal, equal to produce by the Tolls on the Tonnage thereof a fair Proportion of Intereſt for the Sum actually expended on ſuch Rail or Carriage Way, or Rail or Carriage Ways, or Stone Road or Stone Roads, at the Rate aforeſaid, and ſome other Coal Work or Coal Works to which ſuch Rail or Carriage Way, or Rail or Carriage Ways, or Stone Road or Stone Roads, ſhall extend and accommodate, ſhall omit or diſcontinue to ſupply ſuch a Quantity of Coal to be carried on the ſaid Canal as ſhall produce by the Tolls on the Tonnage thereof a fair Proportion of Intereſt for the Sum ſo expended on ſuch Rail or Carriage Way, or Rail or Carriage Ways, or Stone Road or Stone Roads as aforeſaid, then the Owner or Owners, Proprietor or Proprietors, of ſuch Coal Work or Coal Works, ſo omitting or diſcontinuing to ſupply ſuch Quantity of Coal as aforeſaid, ſhall, at the Expiration of Three Years next after they ſhall have omitted or diſcontinued to ſupply the ſame, pay to the ſaid Company of Proprietors a fair Proportion of the ſaid Third Part of the original Expence of ſuch Rail or Carriage Way, or Rail or Carriage Ways, or Stone Road or Stone Roads, after deducting the Tonnage which ſuch laſt-mentioned Coal Work or Coal Works ſhall have ſupplied on the ſaid Canal, over and above the Intereſt of Five Pounds *per Centum* as aforeſaid, as ſhall be agreed on between the Owner or Owners, Proprietor or Proprietors, of ſuch Coal Work or Coal Works, and the ſaid Company of Proprietors; and in caſe they cannot agree about the ſame, then the ſame ſhall be ſettled and aſcertained by the ſaid Commiſſioners in the ſame Manner as other Diſputes are herein directed to be ſettled.

When Rail Roads are made to accommodate Coal Works, One Third of the Expence thereof, in caſe of Failure of Tonnage from ſuch Coal Works, to be ſettled by the Commiſſioners if the Parties cannot agree.

Perſons opening new Coal Works, may make Rail Roads, which are to be paid for by the Company, when the ſame ſhall produce a Tonnage on the Canal equal to the Payment of a certain Intereſt.

VI. And be it further enacted, That if any Perſon or Perſons whomſoever ſhall at any Time or Times hereafter open any New Coal Work or Coal Works, at or in any or either of the ſaid Pariſhes, and ſhall be deſirous to have ſuch Rail or Carriage Way or Stone Road, or Rail or Carriage Ways or Stone Roads, made to or towards ſuch Coal Work or Coal Works as aforeſaid, then it ſhall and may be lawful to and for ſuch Perſon or Perſons, at his, her, or their own proper Coſts, Charges, and Expences, to make ſuch Rail or Carriage Way or Stone Road, or Rail or Carriage Ways or Stone Roads, through or over the Lands or Grounds of any Perſon or Perſons whomſoever, ſubject to the Reſtrictions and Regulations with reſpect to Diſtance as aforeſaid; and that, from and after the ſame ſhall be completed and finiſhed, and it ſhall appear that the Produce of ſuch Coal Work or Coal Works, to or towards which the ſaid Rail or Carriage Way or Stone Road, or Rail or Carriage Ways or Stone Roads, ſhall have been ſo made as aforeſaid, is and will continue to be ſufficient, and will actually produce to the ſaid Company of Proprietors a Tonnage on the ſaid Canal equal to the Payment of an Intereſt for the Sum expended on ſuch Rail or Carriage Way or Stone Road, or Rail or Carriage Ways or Stone Roads, to the ſame Amount as is herein-before ſpecified and mentioned, with reſpect to the Rail or Carriage Ways or Stone Roads already marked and delineated on the ſaid Plan; then the ſaid Company of Proprietors ſhall pay to ſuch Perſon or Perſons who ſhall have ſo made ſuch Rail or Carriage Way or Stone Road, or Rail or Carriage Ways or Stone Roads as aforeſaid, the fair Charges and Expences of making the ſame, to be ſettled by the ſaid Commiſſioners, in caſe any Diſpute ſhall ariſe concerning the ſame: Provided, that no ſuch Rail or Carriage Way, or Stone Road, or Rail or Carriage Ways or Stone Roads, ſhall extend to a greater Length or Diſtance from the ſaid Canal, or from the Extremity of any of the ſaid Rail or Carriage Ways or Stone Roads, now marked or delineated on the ſaid Plan, than Two thouſand Yards; provided that the ſame Security ſhall be given to the ſame Effect, and for the ſame Purpoſes, as are herein-before directed with reſpect to the Rail or Carriage Ways or Stone Roads already marked and delineated on the ſaid Plan: Provided alſo, that all ſuch Rail or Carriage Ways or Stone Roads, ſo to be made to any Coal Work or Coal Works ſo hereafter to be opened as aforeſaid, ſhall be in all Reſpects ſubject and liable to the ſeveral Regulations, Proviſoes, and Directions, as are herein-before ſpecified, mentioned, and contained, with reſpect to the ſaid Rail or Carriage Ways or Stone Roads, marked or delineated on the ſaid Plan.

Power to make Tunnel to Coal Works inſtead of Rail Roads, ſubject to certain Regulations.

VII. Provided always, and be it enacted, That if the Owner or Owners, Proprietor or Proprietors, of any Coal Work or Coal Works, to which any of the Rail or Carriage Ways or Stone Roads ſhall or may lead, ſhall be minded or deſirous to have a Tunnel or Level to ſuch Coal Work or Coal Works, that then the ſaid Company of Proprietors may, if they ſhall think fit, contribute ſo much Money towards the ſame as would have been laid out or expended in making the Rail or Carriage Way or Stone Road, or Rail or Carriage Ways or Stone Roads, to ſuch Coal Work or Coal Works, and no more; ſubject nevertheleſs to the Proviſo herein-before contained as to Security, and to all the other Regulations and Directions herein-before ſpecified, mentioned, and contained, with reſpect to the Rail or Carriage Ways or Stone Roads.

VIII. And be it further enacted, That if the ſaid Company of Proprietors ſhall judge it expedient that Boats or other Veſſels, Waggons or other Carriages, ſhould be conveyed over or along any Part or Parts of the Line herein-before mentioned for making the ſaid Canal, by Rollers, Inclined Planes, or in any other Manner whatſoever than by Water, then, and in ſuch Caſe, it ſhall be lawful for the ſaid Company of Proprietors to cauſe any Rollers, inclined Planes, or other Works, to be made for that Purpoſe, at ſuch Parts or Places in the ſaid Line as they ſhall think proper; and the ſame ſhall be conſidered to be Parts of the ſaid Canal hereby authorized to be made, in the like Manner as if ſuch Parts or Places were made navigable. Power to make Inclined Planes, &c.

IX. Provided always, and be it further enacted, That nothing herein contained ſhall extend to authorize or impower the ſaid Company of Proprietors, or any other Perſon or Perſons, to take, uſe, injure, or damage, any Houſe or other Building, or any Ground, which, upon the Firſt Day of *January* One thouſand ſeven hundred and ninety-four, was the Scite of any Houſe or other Building, or a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a Houſe, or Lawn, or Pleaſure Ground incloſed or adjoining to a Houſe, without the Conſent of the reſpective Owners and Occupiers thereof, other than and except ſuch as are herein and in the Schedule hereunto annexed particularly mentioned; all which ſaid Houſes, Cottages, and other Buildings herein-before excepted, 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, Cottages, and other Buildings, and the ſaid Yards, Orchards, and Gardens, herein and in the ſaid Schedule mentioned and expreſſed 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, Cottages, and other Buildings, and ſuch Yards, Orchards, and Gardens reſpectively for the ſame, and for the Damages they ſhall reſpectively ſuſtain thereby, in Manner as herein mentioned. Houſes, &c. not to be taken or injured, except ſuch as are named in the Schedule.

X. And whereas the Line herein-before mentioned for making the ſaid intended Canal, and Rail or Carriage Ways or Stone Roads, and the Lands through which the ſame is intended to be carried, (other than and except in the Part thereof herein-after mentioned, beginning at or near *Mitford* Bridge), are deſcribed on a Map or Plan, which, 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 for publick Inſpection at the Offices of the Clerks of the Peace for the ſaid Counties of *Somerſet* and *Wilts*; be it therefore further enacted, That the before mentioned Map or Plan, Maps or Plans, and Book or Books of Reference, ſhall remain with the Clerks of the Peace of the ſaid Counties of *Somerſet* and *Wilts* reſpectively, and that all Perſons ſhall at all ſeaſonable Times have Liberty to inſpect and peruſe the ſame, and to take Copies thereof, or Extracts therefrom, at their Will and Pleaſure, paying to the ſaid 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 and Extracts of the ſaid Book of Reference; and that the ſaid Company of Proprietors in making the ſaid Canal, and Map or Plan, and Book of Reference, to remain with the Clerks of the Peace.

Rail

The Canal not to deviate more than 100 Yards from the Line described in the Plan.

Rail or Carriage Ways or Stone Roads, shall not deviate more than One hundred Yards from the Line or Course thereof described on the said Map or Plan, except as herein-after mentioned, 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 in Writing of the Owners or reputed Owners of the Estates, Lands, or Grounds, which may be affected by any such Deviation respectively, except as herein-after mentioned.

Power to deviate 100 Yards.

XI. Provided nevertheless, That it shall be lawful to and for the said Company of Proprietors, and they are hereby authorized to deviate from the said Line or Course of the said Canal, and Rail or Carriage Ways or Stone Roads, to any Distance not exceeding One hundred Yards from the Line or Course thereof, as described on the said Plan, under the Restriction herein-before mentioned and contained, and subject to and under the other Restrictions herein-after mentioned and contained.

Power to deviate the Line near *Mitford* Bridge.

XII. Provided always, and be it enacted, That it shall and may be lawful to and for the said Company of Proprietors, and their Successors, and they are hereby authorized and empowered to vary the Line of the said Canal, beginning at or near *Mitford* Bridge aforesaid, and extending through the Grounds, Cottage Houses, Gardens, and Orchards following; (that is to say), a certain Close, called *Millham*, belonging to *William Smith*; a Garden belonging to *George Bendy*; a Garden and Cottage belonging to the said *William Smith*; the Turnpike House and Garden belonging to the *Warminster* and *Froome* Turnpike Roads; a Close called *Little Mead*, belonging to *Walter Brown*; a Wood adjoining to the last-mentioned Close, belonging to *Stephen Slade*; a Wood, called *Tucker Mill Wood*, belonging to *Gotloph Gothelph Schusler* Esquire; *Oddwell Tyning*, belonging to *James Clement*; a Close, called *The Yard*, belonging to the said *Gotloph Gothelph Schusler*; an Orchard, belonging to the said *James Clement*; *Coombe Orchard*, belonging to *Robert Langley* Esquire; *Barn Close* and *Tyning*, belonging to the said *Robert Langley*; the *Hop Yard*, belonging to *Mary Houlton*; a Close, called *Broad Mead*, belonging also to the said *Mary Houlton*; or a Close, called *Motley Hill*, lying above the Close called the *Hop Yard*, and adjoining thereto; and from One of such last-mentioned Closes to cross the Turnpike Roads belonging to or under the Management of the Trustees of the *Bath* Turnpike Roads, and through a Close called *Land Ham*, and a Close called the *Sheephouse*, lying below and adjoining the last-mentioned Close called *Land Ham*, both belonging to the said *Mary Houlton*, or either of them; and in the said Close called *Sheephouse*, to join or communicate with the said proposed Canal from or near *Newbury* aforesaid, to or near the City of *Bath* aforesaid, and intended to be called the *Kennett* and *Avon* Canal, in case the said proposed Canal shall be carried through or into the said Close called *Sheephouse*, as the same is delienated and described in a Plan thereof, which hath been made and signed by *Edmund Broderip* and *Richard Bowsher*, on Behalf of the Subscribers to the said Undertaking, and which shall be and is hereby directed to be deposited with the Clerk of the Peace, for the said County of *Somerset*, before the said Company of Proprietors shall begin to make the said Part of the said Canal; and in case the said Line of Canal hereby authorized to be made, shall not be cut or carried as last-mentioned, then the said Company of Proprietors shall, and they are hereby required at their

own Coſts and Charges, to make a Tunnel under the Grounds and Lands of the ſaid *Robert Langley* in the Pariſh of *Bradford* aforeſaid, called *Stout Hill*, *Home Ground*, *Pitts*, *Greenhill*, and *River Lands*, numbered and marked reſpectively on the ſaid Plan, 8. 4 *a*. 3 *a* 3. inſtead of paſſing the Dwelling Houſe and Garden of the ſaid *Robert Langley* as delineated on the ſaid Plan: And that if in the Courſe of ſuch Tunnel it ſhall be neceſſary to have any Shafts or Pits ſunk for the Purpoſe of executing the ſaid Canal or Tunnel, or admitting any Light or Air into the ſame, then the ſaid Company of Proprietors or their Succeſſors ſhall, and they are hereby required to erect and build, at their own Coſts, Charges, and Expences, a Wall at leaſt Ten Feet high from the Surface of the Ground round every Side of ſuch Shaft or Pit: Provided alſo, that in caſe the ſaid Company of Proprietors ſhall, by virtue of the Power hereby veſted in them for altering or varying the ſaid Line of Canal from *Milford Bridge*, to the Eaſtward Extremity of the ſaid Canal as aforeſaid, cut or carry the ſaid Canal acroſs the ſaid Turnpike Road belonging to or under the Management of the Truſtees of the *Bath* Turnpikes, then the ſaid Company of Proprietors ſhall, and they are hereby required at their own Coſts and Charges to erect and build a proper and convenient Bridge over the ſaid Canal, where the ſame ſhall be cut through the ſaid Road, of the full Width of the ſaid Turnpike Road, and for ever afterwards to repair and amend the ſame; and alſo to render and make the ſaid Road as convenient and paſſable for Travellers in all Reſpects as the ſame was previous to carrying the ſaid Canal acroſs, through, or under ſuch Turnpike Road.

Not to vary the Line of the Canal through the Lands of Sir *John Hugh Smith* Bart. at *Foxcote*, without his Conſent.

XIII. Provided always, and be it enacted, That nothing herein contained ſhall authorize the ſaid Company of Proprietors, or their Succeſſors, or any other Perſon or Perſons whomſoever, to alter, vary, or extend, the ſaid Line of Canal, as marked on the Plans depoſited with the Clerks of the Peace of the ſaid Counties of *Somerſet* and *Wilts*, through or over any of the Lands or Grounds belonging to Sir *John Hugh Smith* Baronet, in the Pariſh of *Foxcote*, otherwiſe *Foſcote*, aforeſaid, without the Conſent in Writing of the ſaid Sir *John Hugh Smith*, his Heirs or Aſſigns, for that Purpoſe firſt had and obtained.

Not to vary the Line of Canal through the Land of *H. W. Portman* Eſquire, without his Conſent.

XIV. Provided always, and be it enacted, That nothing herein contained ſhall authorize the ſaid Company of Proprietors, or their Succeſſors, or any other Perſon or Perſons whomſoever, to alter, vary, or extend, the ſaid Line of Canal, as marked on the Plans depoſited with the Clerks of the Peace of the ſaid Counties of *Somerſet* and *Wilts*, through or over a certain Meadow called *Stowmead*, in the Pariſh of *Wellow* aforeſaid, or any other of the Lands or Grounds belonging to *Henry William Portman* Eſquire, in the Pariſhes of *Wellow* and *Charterhouſe Hinton* aforeſaid, or either of them, nor ſhall they be at Liberty to make the Towing Path on the South Side of the ſaid Canal through any Part of the ſaid Meadow called *Great Stowmead*, without the Conſent in Writing of the ſaid *Henry William Portman*, his Heirs or Aſſigns, for that Purpoſe firſt had and obtained.

Not to vary the Line of Canal through the Lands of *John Smith* Eſ-

XV. Provided alſo, and be it enacted, That it ſhall not be lawful for the ſaid Company of Proprietors, or their Succeſſors, or their or either of their Surveyors, Engineers, or Workmen, to alter or vary in

quire, and the Rev. *Francis Merewether*, without Conſent.

in any Reſpect whatſoever the Line of Canal through any of the Lands of *John Smith* Eſquire, in the Pariſh of *Combhay* aforeſaid, without the Conſent in Writing of the ſaid *John Smith*, his Heirs or Aſſigns, for that Purpoſe firſt had and obtained; nor through any of the Glebe Lands belonging to the Rectory of *Combhay* aforeſaid, without the Conſent of the Reverend *Francis Merewether*, Rector of *Combhay* aforeſaid, or his Succeſſor, for that Purpoſe in Writing firſt had and obtained, but that the ſame Line ſhall remain, continue, and be, as the ſame is marked out and delineated on the Plans depoſited with the Clerks of the Peace of the ſaid Counties of *Somerſet* and *Wilts*, and that the Tunnel which is propoſed and intended to be made through or under the Lands of the ſaid *John Smith* and *Francis Merewether*, in the ſaid Pariſh of *Combhay*, ſhall be made by and at the Coſts, Charges, and Expences, of the ſaid Company of Proprietors, or their Succeſſors, and ſhall commence and begin at a certain Orchard belonging to the ſaid *John Smith* in the ſaid Pariſh of *Combhay*, numbered on the ſaid Plans 17; and ſhall extend through or under the ſeveral Lands and Grounds of the ſaid *John Smith* and *Francis Merewether*, as marked and delineated on the ſaid Plan, and end at the Weſt End of a certain Field called *Hay Croft*, in the ſaid Pariſh of *Combhay*, numbered 5 on the ſaid Plan; and that if in the Courſe of ſuch Tunnel it ſhall be neceſſary to have any Shafts or Pits ſunk for the Purpoſe of executing the ſaid Canal or Tunnel, or admitting any Light or Air into the ſame, or if the ſaid Tunnel or Canal ſhall, in the Courſe thereof between the ſaid Orchard and Field numbered reſpectively 17 and 5 as aforeſaid, be laid open to the Air, that then the ſaid Company of Proprietors, or their Succeſſors, ſhall, and they are hereby required to erect and build, at their own Coſts, Charges, and Expences, a Wall at leaſt Ten Feet high from the Surface of the Ground, round every Side of ſuch Shaft or Pit, or the Place or Places where ſuch Tunnel or Canal ſhall be laid open to the Air as aforeſaid.

Reſtrictions as to the Tunnel to be made through the laſt-mentioned Lands, and the Shafts to open from the ſame.

XVI. Provided, That it ſhall not be lawful for the ſaid Company of Proprietors, or their Succeſſors, to have more than Two Pits or Shafts open from the ſaid Tunnel, and that the ſame ſhall not be made in any of the Lands of the ſaid *John Smith*, or of the ſaid *Francis Merewether*, in the ſaid Pariſh of *Combhay*, ſave and except in a certain Cloſe of Paſture Land, called *Stile Croft*, numbered 14 on the ſaid Plan; and in a certain other Cloſe of Paſture Land, called *Lower Kitely*, numbered 10 on the ſaid Plan; and that the Extremities of the Pit or Shaft ſo to be left open in the ſaid Cloſe called *Lower Kitely*, ſhall be at leaſt Twenty Yards northward from a certain Stile leading from the ſaid Cloſe called *Lower Kitely*, to the Glebe Land in the ſaid Pariſh of *Combhay*, belonging to the ſaid *Francis Merewether*, called *Long Cloſe*.

Land Owners omitted in the Book of Reference through Miſtake, not to obſtruct.

XVII. Provided always, and it is hereby further enacted, That the ſaid Company of Proprietors, or their Succeſſors, ſhall and may make the ſaid intended Canal, and Rail or Carriage Ways or Stone Roads, or ſuch Deviations from the ſame as aforeſaid, into, through, acroſs, or over, the Eſtates, Lands, or Grounds, of any Perſon or Perſons whomſoever, into whoſe Eſtates, Lands, or Grounds, the ſaid Line or Courſe, or ſuch Deviation as aforeſaid ſhall extend, although his, her, or their Name or Names be not mentioned in the ſaid Book of Reference, or into, through, acroſs, or over, the Eſtates, Lands, or Grounds, of any

Perſon or Perſons whoſe Name or Names ſhall appear to the Satisfaction of, and be certified in Writing by ſuch of the Commiſſioners herein after mentioned, as ſhall be aſſembled at a Meeting to be held for that Purpoſe, of which Notice ſhall be given as herein-after mentioned, or the major Part of them, to have been through Error or Miſtake omitted in the ſaid Book of Reference, or that the Name or Names of ſome other Perſon or Perſons to whom ſuch laſt-mentioned Eſtates, Lands, or Grounds, do not belong, hath or have been by Miſtake inſerted therein; any Thing herein contained to the contrary thereof in any wiſe notwithſtanding.

Width of the Canal and Towing Paths.

XVIII. And be it further enacted, That the Lands to be taken or uſed for ſuch intended Canal, and the Towing Paths belonging thereto reſpectively, and the Ditches, Drains, and Fences, to ſeparate ſuch Towing Paths from the adjoining Lands, ſhall not exceed Thirty Yards in Breadth, meaſured horizontally, except in ſuch Places where any Dock, Baſon, or Reſervoir, ſhall be made, or where the ſaid intended Canal, or any ſuch Cut, ſhall be raiſed higher, or cut more than Six Feet deeper than 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 Crane ſhall be erected, or where any Wharf ſhall be made for the landing or delivering of Coal, Lime, Lime Stone, Free Stone, and other Stone, Minerals, Timber, or other Goods, Wares, Merchandize, or Things, nor more than One Hundred Yards in Breadth in any Place, except where the ſaid Canal, or any ſuch Cut, ſhall paſs through or over any Common or Waſte Lands.

When Roads are injured, others to be made.

XIX. And be it further enacted, That in all Caſes where, in Exerciſe of the Powers aforeſaid, any Part of any Carriage or Horſe Road, or other Road uſed by the Occupier of any Lands for the Occupation thereof, either publick or private, ſhall be found neceſſary to be cut through, taken, or ſo much injured, as to be impaſſable, or inconvenient, for Travellers or Carriages, or the Perſons entitled to the Uſe thereof, the ſaid Company of Proprietors ſhall, at their own Expence, before any ſuch Road ſhall be cut through, taken, or injured as aforeſaid, cauſe a good and ſufficient Carriage or Horſe Road (as the Caſe may require) to be ſet out and made inſtead thereof, as convenient for Paſſengers and Carriages as the Road ſo to be cut through, taken, or injured as aforeſaid, or as near thereto as may be, and ſhall cauſe the ſame to be put in good and ſubſtantial Order and Condition.

Bodies Politick, Corporate, and other incapacitated Perſons, empowered to ſell and convey Lands for the Purpoſes aforeſaid.

XX. And be it further enacted, That after any Lands, Tenements, or other Hereditaments, ſhall be ſet out and aſcertained as aforeſaid, for the making of the ſaid Canal, Rail or Carriage Ways or Stone Roads, Wharfs, or any other of the Works and Conveniencies hereby authorized to be made, it ſhall be lawful for all Bodies Politick or Corporate, Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other particular Eſtate or Intereſt in Poſſeſſion, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for Charities or other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees and Perſons whomſoever, not only for and on Behalf of themſelves and their reſpective Heirs and Succeſſors, but alſo for and on Behalf of the Perſon or Perſons entitled in Remainder after them, if incapacitated, and for and on Behalf of their Ceſtuique Truſts, whether Infants, Iſſue unborn, Lunaticks,

Lunaticks, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed of, or intereſted in their own Right, and to and for all and every other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed, or intereſted of or in any Lands, Tenements, or other Hereditaments, whether Freehold, Leaſehold, or Copyhold, which ſhall be ſo ſet out and aſcertained as aforeſaid, or which ſhall be taken or purchaſed by the ſaid Company of Proprietors purſuant to any of the Directions of this Act, or any Part thereof reſpectively, to contract for, ſell, and convey, unto the ſaid Company of Proprietors, all or any Part or Parts of ſuch Lands, Tenements, or other Hereditaments, which ſhall from Time to Time be ſo ſet out and aſcertained as aforeſaid, or which ſhall be taken or purchaſed by the ſaid Company of Proprietors, purſuant to the Directions of this Act, either in Conſideration of a Sum of Money at once to be paid for the ſame, or of an Annual Rent or Payment to be charged and ſecured as herein-after mentioned; and that all Sales and Conveyances to the ſaid Company of Proprietors may be made and effected by a Deed in Writing, according to the following Form, (or as near thereto as the Nature of the Caſe will admit), *videlicet*,

Form of Conveyance.

'I *A. B.* of (*or* we *A. B.* of and *C. D.* of) in Conſideration of the Sum of to me (*or* to us) paid; or in Conſideration of the Annual Rent of to me (*or* to us) to be hereafter yielded and paid by the Company of Proprietors of the *Somerſetſhire* Coal Canal, do hereby (ſeverally) grant, ſell, releaſe, and convey, (*or* if Leaſehold or Copyhold, ſell and aſſign), unto the ſaid Company all (*deſcribing the Premiſes to be conveyed*), and all my (*or* our) Eſtate, Right, Title, and Intereſt to and in the ſame, to hold to the ſaid Company for ever (or if Leaſehold or Copyhold or for a particular Eſtate, *ſtate the Term or Intereſt intended to be granted or aſſigned*) by virtue and according to the Intent and Meaning of the Act of Parliament paſſed for making and maintaining the ſaid Canal: And I (*or* we) do hereby (reſpectively) warrant the ſaid Premiſes unto the ſaid Company of Proprietors for ever (*or* for the Term or Intereſt aforeſaid) againſt all Perſons whomſoever, and that free from all Incumbrances, (*or* if Leaſehold or Copyhold, ſubject to the Rents, Covenants, and Agreements, on the Leſſees or Tenants Part to be paid, obſerved, and performed, *making the neceſſary Variations according to the Circumſtances of the Caſe*). In Witneſs whereof I (*or* we) have hereunto ſet my Hand and Seal (*or* our Hands and Seals) the Day of in the Year

And with Conſent of Commiſſioners, to ſell or exchange any Lands which may be ſo ſeparated as to render the Occupation thereof inconvenient.

And that where, by making the ſaid Canal or any Aqueduct for the Conveyance of Water thereto, the Lands of any Perſon or Perſons ſhall be ſeparated into ſmall Parcels, ſo as to render the Occupation thereof inconvenient, it ſhall be lawful for all ſuch Bodies Politick or Corporate, Corporations and other Perſon and Perſons whomſoever, who are or ſhall be ſeiſed, poſſeſſed of, or intereſted as aforeſaid, of or in the ſame, by and with the Conſent of the Commiſſioners herein-after appointed, to be teſtified by Writing under their Hands and Seals, and atteſted by Two or more credible Witneſſes, to contract for, ſell, and diſpoſe of, or convey in Exchange for, or in Lieu of other Lands or Hereditaments, all or any Part or Parts of ſuch Lands as ſhall be ſo ſeparated into ſmall Parcels

Parcels as aforeſaid, either unto the ſaid Company of Proprietors, or unto any other Perſon or Perſons whomſoever, for ſuch Price or Prices in Money, or for ſuch Equivalent in Lands or other Hereditaments, or by Way of Annual Rent, as to the ſaid Commiſſioners ſhall ſeem reaſonable; and that all ſuch Contracts, Agreements, Sales, Exchanges, Conveyances, and Aſſurances, as ſhall be made and executed for the Purpoſes aforeſaid, ſhall be valid and effectual in Law, to all Intents and Purpoſes whatſoever, any Law, Statute, Cuſtom, or Uſage, to the contrary notwithſtanding; and all ſuch Conveyances and Aſſurances (other than ſuch as concern any Purchaſe or Exchange between Individuals) ſo to be made as aforeſaid, ſhall, at the Expence of the ſaid Company of Proprietors, be inrolled by the Clerk of the Peace for the County in which the ſaid Lands ſhall reſpectively lie; and all Perſons whomſoever ſhall have free Liberty to inſpect ſuch Inrollments, and take Copies thereof; and the ſame Inrollments, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever; for which Inrollments, or Copies, the ſaid Clerk of the Peace ſhall be entitled to receive the Sum of Sixpence for every One Hundred Words, and ſo in Proportion for any leſs Number of Words, and no more; and for every Inſpection or Peruſal of any ſuch Inrollments One Shilling and no more; and that all Conveyances and Aſſurances to be made to any other Perſon or Perſons beſides the ſaid Company of Proprietors for effecting and completing any Sale or Exchange of any Lands, Grounds, or Hereditaments, purſuant to and within the Intent and Meaning of this Act, ſhall and may be made by a Deed or Deeds in Writing, in ſuch or the like Form as is before preſcribed for Conveyances to the ſaid Company of Proprietors, or as near thereto as Circumſtances will permit; and that all ſuch Conveyances and Aſſurances as aforeſaid to the ſaid Company, or to any other Perſon or Perſons in purſuance of this Act, ſhall be good, valid, and effectual in the Law to all Intents and Purpoſes, and ſhall be a complete Bar of all Eſtates Tail, and other Eſtates, Rights, Titles, Truſts, and Intereſts whatſoever, in Poſſeſſion, Reverſion, Remainder, or Expectancy, without any Bargain and Sale for a Year, Livery of Seiſin, or Inrollment, and without any Fine, Recovery, or Surrender, of the Freehold or Copyhold Hereditaments to be therein reſpectively comprized.

Deeds to be inrolled by the Clerks of the Peace.

XXI. And be it further enacted, That if in making the ſaid Canal, or any of the Works relating thereto, any Pieces or Parcels of Land ſhall be cut through and divided, ſo that what ſhall be left on each or either Side of the ſaid Canal or Works, ſhall be leſs than One Acre in Quantity, or leſs than Fifty Yards in Breadth throughout the whole Length thereof; and if the Owner or Owners of any ſuch Pieces or Parcels of Land ſhall not have any other Land adjoining or contiguous to what ſhall be ſo left on each or either Side of the ſaid Canal, then, and in either of ſuch Caſes, the ſaid Company of Proprietors ſhall, and are hereby required to take and purchaſe the Piece or Parcel, or Pieces or Parcels of Land ſo to be left on each or either Side of the ſaid Canal, being leſs than One Acre in Quantity, or leſs than Fifty Yards in Breadth throughout the whole Length thereof as aforeſaid, and ſhall pay for the ſame after the ſame Rate and in the ſame Manner as they ſhall pay for the Land adjoining thereto, which ſhall be taken and uſed for making the ſaid Canal, provided the Owner or Owners, or the Perſon or Perſons entitled

Pieces of Land of certain Dimenſions, ſhall be purchaſed by the Company if required.

titled to the Poſſeſſion or to the Rents and Profits of ſuch ſmall Pieces or Parcels of Land reſpectively, ſhall, by Writing under their Hands, to be delivered to the Clerk or Treaſurer to the ſaid Company of Proprietors, require the ſaid Company of Proprietors to take and purchaſe the ſame, and provided the ſaid Commiſſioners ſhall by Writing under their Hands conſent thereto, but not otherwiſe.

Appointment of Commiſſioners.

XXII. And be it further enacted, That all Perſons reſiding in the ſaid Counties of *Somerſet* and *Wilts*, or either of them, and ſeiſed of Eſtates Freehold or Copyhold, or both of the Value of One hundred Pounds *per Annum*, within the ſaid Counties, or either of them, or poſſeſſed of the principal Sum of Three thouſand Pounds in the Stocks or Publick Funds, or on Mortgages, Leaſes, Bonds, or ſpecial Securities for Money, ſhall be, and are hereby appointed Commiſſioners for the ſettling, determining, and adjuſting, all Queſtions, Matters, and Differences, which ſhall or may ariſe between the ſaid Company of Proprietors and the ſeveral Proprietors of and Perſons intereſted in any Houſes or other Buildings, Lands, Tenements, Waters, or Hereditaments, that ſhall or may be taken or affected or prejudiced by the Execution of any of the Powers hereby granted; and the ſaid Commiſſioners, or any Five or more of them, ſhall, and they are hereby impowered, by Examination of Witneſſes upon Oath, (which Oath the ſaid Commiſſioners are hereby authorized to adminiſter), and by any other lawful Ways and Means as ſhall appear to them expedient by Writing under their Hands, to determine and adjuſt from Time to Time what Sum or Sums of Money ought in their Opinion to be paid by the ſaid Company of Proprietors, either by an Annual Rent or Payment, or by a Sum of Money in Groſs, to and at the Election of ſuch Bodies Politick or Corporate, or other Perſon or Perſons reſpectively, who ſhall be ſo entitled or intereſted as herein-before mentioned, for the abſolute Purchaſe of the Lands, Tenements, Waters, or other Hereditaments, which ſhall be ſet out and aſcertained, or intended to be uſed as aforeſaid, for the making the aforeſaid Canal, Rail or Carriage Ways or Stone Roads and Towing Paths, or any Part thereof, or for other the Purpoſes herein mentioned; and alſo to determine and adjuſt what other ſeparate and diſtinct Sum or Sums of Money ought, in the Opinion of them the ſaid Commiſſioners, to be paid by the ſaid Company of Proprietors as a Recompence for any Damages which ſhall or may at any Time or Times be ſuſtained by ſuch Bodies Politick or Corporate, or other Perſon or Perſons reſpectively, being Owners of or intereſted in any Lands, Tenements, Waters, or Hereditaments, by Reaſon of the making, repairing, or maintaining, of the ſaid Canal and Rail or Carriage Ways or Stone Roads, Towing Paths, or any of the Reſervoirs, Aqueducts, Feeders, Drains, Back Drains, Trenches, Paſſages, Gutters, Watercourſes, Roads, Ways, Sluices, or other Works, hereby authorized to be made or carried on and maintained, or by Reaſon or Means of the flowing, leaking, or oozing, of the Water over or through the Banks of the ſaid Canal, Reſervoirs, Aqueducts, Feeders, Drains, Trenches, Paſſages, Gutters, Watercourſes, and Sluices, or any of them, or the ſupplying the ſame or any of them with Water, or by not cleanſing the ſaid Watercourſes, Trenches, or other Paſſages, or by turning or diverting any Rivers, Springs, Streams, or Brooks, into the ſame, or any of them, or by Reaſon or Means of the Execution of any other of the Powers hereby given to the

Commiſſioners to determine the Recompence for Lands and Damages.

the ſaid Company of Proprietors, their Agents, Servants, or Workmen, in caſe ſuch Annual Rent, or Sum in Groſs, or ſuch Damages and Recompence reſpectively, cannot be ſettled, adjuſted, and agreed upon, by and between the ſaid Company of Proprietors and ſuch Owners of and Perſons intereſted in the ſaid Lands, Tenements, Waters, or other Hereditaments, as aforeſaid, and if the ſaid Company of Proprietors for and on Behalf of themſelves, or any ſuch Body Politick or Corporate, Truſtee or Truſtees, or other Perſon or Perſons ſo intereſted or entitled as aforeſaid for and on the Behalf of himſelf, herſelf, or themſelves, or for or on the Behalf of their reſpective Ceſtuique Truſts, or the Perſon or Perſons entitled in Remainder after them as aforeſaid, ſhall refuſe to ſubmit any ſuch Matter to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with their Determination therein, and of ſuch Diſſatisfaction ſhall forthwith give Notice in Writing to the Commiſſioners making ſuch Determination, or to their Clerk, or if any ſuch Body Politick or Corporate, Truſtee or Truſtees, or other Perſon or Perſons entitled or intereſted as aforeſaid, ſhall refuſe to receive, upon due Tender thereof, ſuch Purchaſe Money or Annual Rent, or ſuch Recompence as ſhall be ſo adjuſted and determined to be paid as aforeſaid, or ſhall, for the Space of Twenty Days next after Notice in Writing ſhall be given to the principal Officer or Officers of ſuch Body Politick or Corporate, or to ſuch Truſtee or Truſtees, or other Perſon or Perſons reſpectively, or left at the laſt or uſual Place or Places of his, her, or their Abode, or (in caſe ſuch principal Officer or Officers, or other Perſon or Perſons, cannot be met with, or his, her, or their Place or Places of Abode cannot be found) with the Tenant or Tenants, Occupier or Occupiers, of ſuch Lands, Tenements, Waters, or Hereditaments reſpectively, and left on the Premiſes, neglect or refuſe to treat, or ſhall not agree with the ſaid Company of Proprietors concerning the ſame, or by Reaſon of Abſence ſhall be prevented from treating, or through Diſability by Nonage, Coverture, or other Impediment, cannot treat for themſelves, or make ſuch Agreements as ſhall be expedient for promoting the ſaid Canal, Rail or Carriage Ways or Stone Roads and other Works aforeſaid, or ſhall not produce and evince a clear Title to the Lands, Tenements, Waters, or Hereditaments, which they are or ſhall be in Poſſeſſion of, or to the Intereſt they claim therein, then, and in any or either of ſuch Caſes, the ſaid Commiſſioners are hereby impowered and required from Time to Time to iſſue a Warrant under their Hands and Seals to the Sheriff of the County in which the Matter in Queſtion ſhall ariſe, or in caſe ſuch Sheriff or his Under Sheriff ſhall happen to be One of the ſaid Company of Proprietors, or enjoy any Office of Truſt or Profit under them, or ſhall be otherwiſe intereſted in the Matter in Queſtion, then to a Coroner of ſuch County not intereſted as aforeſaid, commanding ſuch Sheriff or Coroner to impannel, ſummon, and return a Jury; and the ſaid Sheriff or Coroner is hereby required accordingly to impannel, ſummon, and return, a Jury of Twelve ſufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for the Trial of Iſſues joined in His Majeſty's Courts of Record at *Weſtminſter*, to appear before the ſaid Commiſſioners, or ſuch of them as ſhall be aſſembled at ſuch Time and Place as in ſuch Warrant ſhall be appointed, not being leſs than Nine nor more than Twenty Days after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff or Coroner; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place appointed as aforeſaid, the ſaid Sheriff or Coroner ſhall return other honeſt and indifferent Men of the Standers-

If Parties refuſe to ſubmit to the Determination of the Commiſſioners, and in other Caſes, a Jury to aſſeſs and aſcertain the Recompence and Damages.

Standers-by, or that can ſpeedily be procured, to attend that Service, being ſo qualified as aforeſaid to make up the ſaid Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners are hereby impowered to ſummon and call before them all and every ſuch Perſon and Perſons as ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching the Matters in Queſtion, and the ſaid Commiſſioners ſhall and may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places or Matters in Controverſy; and ſuch 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 or Sums of Money, or Annual Rent, to be paid for the Purchaſe of ſuch Lands, Tenements, Waters, or Hereditaments, and alſo what other ſeparate and diſtinct Sum or Sums of Money ſhall be paid by Way of Recompence for the Damages which ſhall or may be ſo ſuſtained as aforeſaid, and the ſaid Commiſſioners ſhall give Judgement for ſuch Purchaſe Money, Rent, or Recompence, ſo to be aſſeſſed by ſuch Jury accordingly; or if the ſaid Company of Proprietors, or any other Perſon or Perſons, ſhall be diſſatisfied with any Determination or Determinations of the ſaid Commiſſioners, it ſhall and may be lawful to and for the ſaid Company of Proprietors, or ſuch other Perſon or Perſons, ſo diſſatisfied with ſuch Determination or Determinations as aforeſaid, to try the Matter in Diſpute or Difference by an Action or Actions, on a feigned Iſſue or feigned Iſſues, in any of His Majeſty's Courts of Record at *Weſtminſter*, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which ſuch Action or Actions ſhall be brought, in caſe the Parties ſhall not agree about the ſame, in which Action or Actions the Party or Parties diſſatisfied ſhall be Plaintiff, and the other Party or Parties ſhall be Defendant, provided that ſuch Action or Actions ſhall be brought within One Month next after ſuch Determination of the ſaid Commiſſioners, and be tried at the firſt Aſſizes to be held in and for the County of *Somerſet*, after ſuch Determination, in caſe ſuch Determination ſhall be made Ten Weeks previous to ſuch Aſſizes; but in caſe ſuch Determination ſhall not be made Ten Weeks previous to ſuch Aſſizes, then at the ſecond Aſſizes, to be held in and for the ſaid County, after ſuch Determinations; and ſuch Verdict and the Judgement thereupon pronounced as aforeſaid, ſhall be binding and concluſive to all Intents and Purpoſes againſt all Bodies Politick or Corporate, and all other Perſons whomſoever.

Witneſſes may be ſummoned.

XXIII. Provided always, and be it further enacted, That in caſe any Owner or Owners, Occupier or Occupiers, of any Lands, Tenements, or Hereditaments, that may be wanted for the Purpoſes of this Act, ſhall be deſirous of trying any Matter in Diſpute or Difference as aforeſaid, by an Action or Actions, on a feigned Iſſue; in order that the ſaid Company of Proprietors may not be impeded or delayed in the Proſecution of the ſaid Undertaking by ſuch Means, it ſhall and may be lawful to and for the ſaid Company of Proprietors, their Agents, Servants, or Workmen, and they are hereby impowered to enter upon ſuch Lands, Tenements, or Hereditaments reſpectively, and to proceed in making and forming the ſaid Canal and Works on the ſaid Company of Proprietors entering into and giving Security to the Owner or Owners, or Occupier or Occupiers of ſuch Lands, Tenements, or Hereditaments, to the Satisfaction of the ſaid Commiſſioners,

Company not to be impeded in making ſuch Canal by any ſuch Action.

Commiſſioners, for the Payment of ſuch Sum or Sums of Money as may be awarded to ſuch Perſon or Perſons reſpectively, by the Jury or Juries to be impannelled for the Trial of ſuch Action or Actions.

No Perſon to act as a Commiſſioner if intereſted, or holding a Place of Profit.

XXIV. Provided always, and be it further enacted, That no Perſon ſhall act as a Commiſſioner in any Caſe in the Execution of this Act, during the Time of his holding any Place of Profit under the ſaid Company of Proprietors, or their Succeſſors, or during the Time of his being a Proprietor in the ſaid Navigation and Undertaking, or in any Caſe where he ſhall be in anywiſe intereſted or concerned in the Matter in Queſtion; nor ſhall any Perſon act as a Commiſſioner in the Execution of this Act, (otherwiſe than in giving Notice of Meetings as herein-after mentioned, or in adminiſtering an Oath to the Effect following), until he ſhall have taken and ſubſcribed ſuch Oath before any One or more of the ſaid Commiſſioners, who is and are hereby authorized and impowered to adminiſter the ſame; (that is to ſay),

Commiſſioners to take an Oath.

Form of the Oath.

'I *A. B.* do ſwear, That I am truly and *bona fide* in the actual Poſſeſſion or Enjoyment of the Rents and Profits of Freehold or Copyhold Lands, Tenements, or Hereditaments, or both, ſituate within the Counties of *Somerſet* and *Wilts*, or One of them, of the clear Yearly Value of One hundred Pounds, above Reprizes, (*or*, poſſeſſed of or entitled to a Perſonal Eſtate, to the Amount or Value of Three thouſand Pounds, *as the Caſe may be*); and that I will truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform the Powers and Authorities veſted in me as a Commiſſioner, by an Act made in the Thirty-fourth Year of the Reign of King *George* the Third, intituled, [*Set forth the Title of the Act*].'

Penalty on Perſons acting as Commiſſioners, not being duly qualified.

And, if any Perſon hereby made incapable to act as a Commiſſioner in the Execution of this Act, ſhall nevertheleſs preſume to act as ſuch, every ſuch Perſon ſhall for every ſuch Offence forfeit the Sum of Fifty Pounds to the ſaid Company of Proprietors, to be recovered with full Coſts of Suit by Action at Law, in any of His Majeſty's Courts of Record at *Weſtminſter*, and ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty, without any other Proof or Evidence on the Part of the Plaintiffs than that ſuch Perſon hath acted as a Commiſſioner in the Execution of the Powers given by this Act: Provided nevertheleſs, that it ſhall be lawful for ſuch of the ſaid Commiſſioners who are or ſhall be in the Commiſſion of the Peace for the ſaid Counties of *Somerſet* and *Wilts*, or either of them, to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Commiſſioners.

Commiſſioners may nevertheleſs act as Juſtices of the Peace.

Meeting of Commiſſioners to be public, and Notice thereof to be given.

XXV. And be it further enacted, That no Meeting of the ſaid Commiſſioners ſhall at any Time be had for putting in Execution any of the Powers or Authorities veſted in them by virtue of this Act, (except in ſuch Caſes as are herein otherwiſe ordered and provided for), unleſs Fourteen Days previous Notice at leaſt of the Time, Place, and Purpoſe, of ſuch intended Meeting, ſhall be given and inſerted in ſome Newſpaper publiſhed or circulated in the ſaid Counties of *Somerſet* and *Wilts*, or in ſuch other Manner as the ſaid Company of Proprietors at any General Meeting ſhall direct or appoint; and that every Meeting of the ſaid

Commiſſioners by virtue of this Act ſhall be publick, and that no Act, Order, or Proceedings, of the ſaid Commiſſioners, or any of them, in or relating to any of the Matters and Things hereby meant to be ſubmitted to their Deciſion and Determination (except in ſuch Caſes as are hereby otherwiſe ordered and provided for) ſhall be valid, unleſs the ſame ſhall be done or made at a Meeting to be held in purſuance of this Act, and of the Directions herein contained; and that all and ſingular the Powers and Authorities hereby given to or veſted in the ſaid Commiſſioners, ſhall and may, from Time to Time, be exereiſed by a Majority of the Commiſſioners aſſembled at ſuch Meetings reſpectively as aforeſaid, the whole Number preſent at ſuch Meetings reſpectively not being leſs than Five; and at every ſuch Meeting, One of the ſaid Commiſſioners preſent ſhall be appointed Preſident or Chairman, who, in caſe of an equal Diviſion of Voices, ſhall have the deciſive or caſting Vote.

Commiſſioners Powers not to be executed by leſs than Five.

General Meeting of Commiſſioners, how to be called.

XXVI. And be it further enacted, That upon any Application to be made by the ſaid Company of Proprietors, or any Five or more of them, or by any Owner or Occupier of any Lands, Tenements, or Hereditaments, to be affected by the ſaid intended Canal, or Rail or Carriage Ways or Stone Roads, or any of them, or any other of the Works hereby authorized to be made or carried on unto any Three or more Perſons qualified to act as Commiſſioners as aforeſaid, requeſting or deſiring them to appoint a General Meeting of the Commiſſioners, it ſhall be lawful for ſuch Perſons ſo applied to, (although not aſſembled at a Meeting to be held by virtue of this Act), and they are hereby authorized and required, within Seven Days after ſuch Requeſt or Application made to them, to give Notice, in Manner aforeſaid, of a General Meeting of the ſaid Commiſſioners, to be held at ſuch Time and Place as ſhall be ſpecified in ſuch Notice, ſuch Time not being leſs than Fourteen Days, nor more than Twenty-one Days, from the Day on which ſuch Requeſt ſhall be made to them as aforeſaid; and the ſaid Commiſſioners are hereby authorized and required to aſſemble at the Time and Place ſo to be appointed in order to put this Act into Execution, and ſhall and may then adjourn themſelves, and afterwards meet at ſuch Time and Place as the ſaid Commiſſioners ſhall think proper and expedient; and if it ſhall happen that there ſhall not appear at any Meeting which ſhall be appointed to be had or held by the ſaid Commiſſioners, a ſufficient Number of Commiſſioners to act at ſuch Meeting, and to adjourn to any other Time, then, and in ſuch Caſe, and from Time to Time, as often as the ſame ſhall happen, the Clerk to the ſaid Commiſſioners ſhall and may, by publick Notice to be given in the Manner aforeſaid, appoint the ſaid Commiſſioners to meet at the Place where the laſt Meeting of the ſaid Commiſſioners was appointed to be held, on that Day Three Weeks next after the Day on which ſuch laſt Meeting was appointed to be held.

Meeting of Commiſſioners may be called, notwithſtanding the Adjournment of a General Meeting.

XXVII. Provided always, and be it further enacted, That it ſhall be lawful for any Three or more of the ſaid Commiſſioners, and they are hereby empowered, although they ſhall not be aſſembled at any Meeting to be held by virtue of this Act, from Time to Time, and at all Times, upon ſuch Requeſt to them made as aforeſaid, by Notice in Writing ſigned by them, and publiſhed in Manner herein-before mentioned,

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

Meetings for determining Diſputes, where to be held.

XXVIII. Provided alſo, That every Meeting of the ſaid Commiſſioners, for hearing and determining any Complaint, Controverſy, Diſpute, or Difference, between the ſaid Company of Proprietors and any other Perſon or Perſons, ſhall be held at the City of *Bath*, or within Eight Miles of the Place where or reſpecting which ſuch Complaint, Controverſy, Diſpute, or Difference, ſhall ariſe.

Penalty on Sheriffs, Jurymen, and Witneſſes, making Default.

XXIX. And be it further enacted, That if any ſuch Sheriff or Coroner, or his Deputy or Agent, ſhall make Default in the Premiſes, he ſhall, for every ſuch Offence, forfeit the Sum of Twenty Pounds: And if any Perſon ſo ſummoned and returned upon any ſuch Jury as aforeſaid ſhall not appear, or appearing ſhall refuſe to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Perſon ſo ſummoned to give Evidence as aforeſaid ſhall not appear, or appearing ſhall refuſe to be ſworn or examined, or to give Evidence, then, and in every ſuch Caſe, 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, nor leſs than Forty Shillings, for the Benefit of the Party in whoſe Behalf ſuch Perſon was ſo ſummoned, to be levied by virtue of any Warrant or Warrants, under the Hands and Seals of the ſaid Commiſſioners, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending, rendering to him, her, or them, the Overplus of the Money thereby produced, after ſuch Penalty, and the Charges of ſuch Diſtreſs and Sale, ſhall be deducted.

Jury to be under the ſame Regulations as Juries at *Weſtminſter*, and Perſons giving falſe Evidence may be indicted for Perjury.

XXX. And be it further enacted, That every ſuch Jury and Juryman as aforeſaid ſhall be liable and ſubject to the ſame Regulations, Pains, and Penalties, as if ſuch Jury or Jurymen had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts of Record at *Weſtminſter*; and that all and every Perſon and Perſons, who, in any Examination to be taken by virtue of this Act, ſhall give falſe Evidence before the ſaid Commiſſioners aſſembled at any ſuch Meeting as aforeſaid, or before any Juſtice of the Peace acting as ſuch in the Execution of this Act, ſhall and may be proſecuted for the ſame; and upon Conviction thereof ſhall be ſubject to ſuch Puniſhments and Diſqualifications as any Perſon or Perſons can or may be ſubject to, for wilful and corrupt Perjury, by any of the Laws or Statutes of this Realm.

Expence of Commiſſioners and Jury, how to be paid.

XXXI. And be it further enacted, That where the Determination of the ſaid Commiſſioners, to be made as aforeſaid, ſhall be acquieſced in by both Parties concerned, then, and in ſuch Caſe, if the Determination ſhall be made for more Money to be paid as a Recompence or Satisfaction for any Lands, Hereditaments, or Property, or for any Damage which may be done to any Lands, Hereditaments, or Property whatſoever, than ſhall have been previouſly offered or tendered by or on the Behalf of the ſaid

ſaid Company of Proprietors, or if no Recompence or Satisfaction ſhall have been offered or tendered by them or on their Behalf in reſpect thereof, all the Expences of the calling and meeting of ſuch Commiſſioners ſhall be defrayed by the ſaid Company of Proprietors; but if the Determination ſhall not be made for more Money than ſhall have been previouſly offered or tendered as aforeſaid, or no Recompence or Satisfaction ſhall be adjudged to be made by the ſaid Company, the Expences of calling and meeting of the Commiſſioners ſhall be defrayed by the Perſon or Perſons with whom the ſaid Company of Proprietors ſhall have had ſuch Controverſy or Diſpute; and where either of the ſaid Parties concerned ſhall refuſe to ſubmit any ſuch Matter as aforeſaid to the Determination of the ſaid Commiſſioners, or ſhall be diſſatisfied with their Determination therein, then, and in every ſuch Caſe, if the Verdict of the Jury ſhall be given for more Money as a Recompence or Satisfaction as aforeſaid than ſhall have been previouſly offered or tendered by or on the Behalf of the ſaid Company, or if no ſuch Recompence or Satisfaction ſhall have been tendered by them, or on their Behalf, all the Expences of the calling and meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking the Inqueſt, ſhall be defrayed by the ſaid Company; but if the Verdict of the Jury ſhall not be given for more Money than ſhall have been previouſly offered or tendered as aforeſaid, or where no Recompence or Satisfaction ſhall be adjudged to be made by the ſaid Company of Proprietors, the Expences of the calling and meeting of ſuch Commiſſioners, ſummoning ſuch Jury, and taking the Inqueſt, ſhall be defrayed by the Perſon or Perſons with whom the ſaid Company ſhall have had ſuch Controverſy or Diſpute; and all ſuch Expences as aforeſaid ſhall be ſettled by the ſaid Commiſſioners preſent at ſuch Meetings reſpectively, or the major Part of them; and the Expences which are herein-before directed to be paid by the Perſon or Perſons with whom the ſaid Company ſhall have any Controverſy or Diſpute, ſhall and may be deducted out of the Money ſo to be determined or adjudged to be paid to ſuch Perſon or Perſons as aforeſaid, as ſo much Money advanced to and for his, her, or their Uſe; and the Payment or Tender of the Remainder of the Money ſo to be determined or adjudged, ſhall be deemed and taken, to all Intents and Purpoſes whatſoever, to be a good Payment or Tender in Satisfaction of the Whole thereof.

Proviſion re- ſpecting Juries, &c.

XXXII. And be it further enacted, That all and every Perſon and Perſons with whom the ſaid Company of Proprietors ſhall have any ſuch Controverſy or Diſpute, and who ſhall refuſe to ſubmit any ſuch Matter as aforeſaid to the Determination of the ſaid Commiſſioners, or who ſhall be diſſatisfied with their Determination thereof, ſhall, before the ſaid Commiſſioners ſhall be obliged to iſſue out their Warrant for the ſummoning of ſuch Jury, firſt enter into a Bond, to the ſaid Company of Proprietors, in the Penalty of One hundred Pounds, to proſecute ſuch his, her, or their Complaint, and to bear and pay the Expences of the calling and meeting of ſuch Commiſſioners, of ſummoning ſuch Jury, and taking ſuch Inqueſt, in caſe ſuch Coſts and Expences ſhall be payable by him, her, or them, by virtue of this Act.

Notice of Injury Damage to be given to the

XXXIII. And be it further enacted, That the ſaid Commiſſioners, or any of them, ſhall not be obliged to receive or take Notice of any Complaint to be made by any Perſon or Perſons whomſoever, for any Injury or

or Damage by him, her, or them ſuſtained, or ſuppoſed to be ſuſtained as aforeſaid, unleſs Application be made in relation thereto, by or on Behalf of ſuch Perſon or Perſons to the ſaid Company of Proprietors, or to their Clerk or Treaſurer, within the Space of Three Months next after the Time that ſuch ſuppoſed Injury or Damage ſhall have been ſuſtained, or the doing or committing thereof ſhall have ceaſed.

Company, before Complaint made to the Commiſſioners.

XXXIV. And be it further enacted, That all the Orders and Proceedings of the ſaid Commiſſioners ſhall be regularly entered in a Book or Books to be kept for that Purpoſe by their Clerk, which Book or Books ſhall be open at all ſeaſonable Times for the Inſpection of any Perſon or Perſons intereſted in the ſaid Proceedings, and deſirous of ſeeing and examining the ſame, without Fee or Reward; and ſuch Entries being ſigned by ſuch Number of the ſaid Commiſſioners, as are impowered by this Act to make ſuch Orders, or carry on ſuch Proceedings reſpectively, ſhall be deemed Originals, and the ſame, or true Copies thereof, ſhall be admitted as Evidence in all Courts whatſoever; and that the ſaid Commiſſioners, at their Firſt Meeting to be held purſuant to this Act, ſhall appoint ſuch One out of Three Perſons, to be nominated for that Purpoſe by the ſaid Company of Proprietors, as they the ſaid Commiſſioners ſhall think proper, to be their Clerk, and ſhall and may, from Time to Time, remove any Perſon to be appointed their Clerk in purſuance of this Act; and on ſuch Removal, or in caſe any ſuch Clerk ſhall die or quit the ſaid Employment, the ſaid Company of Proprietors ſhall, within the Space of Fourteen Days after Notice in Writing for that Purpoſe given by any Three or more of the ſaid Commiſſioners, (although not aſſembled at a Meeting), to the Clerk or Clerks to the ſaid Company of Proprietors, nominate Three other Perſons, and give Notice thereof unto the ſaid Commiſſioners, and the ſaid Commiſſioners ſhall and may appoint One of the ſaid Three laſt mentioned Perſons to be their Clerk; and every ſuch Clerk ſhall be paid for his Care, Expence, and Trouble, in the Execution of his Office by the ſaid Company of Proprietors; and every ſuch Clerk who ſhall be removed from or quit the ſaid Employment, or the Aſſignee or Aſſignees of ſuch Clerk, who ſhall be removed from or quit the ſaid Employment, or the Executors or Adminiſtrators of ſuch Clerk who ſhall die, ſhall immediately produce and deliver up to any Three or more of the ſaid Commiſſioners all Books, Papers, and Writings whatſoever, relating to the Execution of the ſaid Office, which ſhall be then in his or their Cuſtody or Power; and if ſuch Clerk or Clerks, or the Aſſignee or Aſſignees, Executors or Adminiſtrators, of ſuch Clerk or Clerks, ſhall refuſe or neglect to produce and deliver up to the ſaid Commiſſioners, or any Three or more of them, ſuch Books, Papers, and Writings as aforeſaid, that then it ſhall and may be lawful for the ſaid Commiſſioners, or any Three or more of them, to make Complaint thereof to One of His Majeſty's Juſtices of the Peace of the County where ſuch Perſon or Perſons ſo refuſing or neglecting to produce and deliver up ſuch Books, Papers, and Writings as aforeſaid, ſhall reſide, and if it ſhall appear to ſuch Juſtice, by the Confeſſion of the Party ſo making Default as aforeſaid, or by the Teſtimony of any credible Witneſs or Witneſſes upon Oath or Affirmation, that any Books, Papers, or Writings, relating to the Execution of this Act, or to the Proceedings to be had under the ſame, ſhall be in the Cuſtody or Power of ſuch Perſon or Perſons, and he, ſhe, or they, ſhall refuſe to deliver up the ſame as aforeſaid, then, and in any

Proceedings of Commiſſioners ſhall be entered in a Book.

Clerk to Commiſſioners, how to be appointed.

Clerks to Commiſſioners compelled to deliver up Books, &c. when removed.

of the Caſes aforeſaid, ſuch Juſtice ſhall commit every ſuch Offender to ſome Gaol or Houſe of Correction, for any Space of Time not exceeding Six Calendar Months, or until ſuch Perſon or Perſons ſhall have delivered up ſuch Books, Papers, and Writings, as aforeſaid, or given Satisfaction in reſpect thereof.

On Payment of Purchaſe Money, or giving Security for Annual Rent, the Company may enter and proceed with their Works.

XXXV. And be it further enacted, That upon Payment of ſuch Sum or Sums of Money in Groſs, or giving Security, which ſhall be approved of by the ſaid Commiſſioners, for the Payment of ſuch Annual Rent or Rents as ſhall be ſo contracted and agreed for between the Parties, or determined and adjuſted by the ſaid Commiſſioners, or aſſeſſed by a Jury as aforeſaid, for the Purchaſe of any ſuch Lands, Tenements, or Hereditaments as aforeſaid, to the Owner or Owners thereof, or other Perſon or Perſons entitled to receive ſuch Money or Rent reſpectively, or upon legal Tender of ſuch Money, or Tender of ſuch Security reſpectively to ſuch Owner or Owners, or other Perſon or Perſons, or the principal Officer or Officers of any Body Politick or Corporate, at any Time after ſuch Money or Rent ſhall have been ſo agreed for, determined, or aſſeſſed, or if ſuch Owners or other Perſons cannot be found or aſcertained, or ſhall refuſe to accept ſuch Money or the Security for ſuch Rent, or in caſe it doth not appear to whom the ſame ought to be paid or given, then upon Payment or Delivery thereof to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall by Writing under their Hands appoint for the Uſe of, and to be paid or delivered upon Demand without Fee or Reward to ſuch Owners or Perſons reſpectively as aforeſaid, then and in ſuch Caſe, but not before, unleſs with the Conſent of the Owners and Occupiers of the Premiſes, it ſhall be lawful for the ſaid Company of Proprietors, and their Agents, Servants, or Workmen, immediately to enter upon ſuch Lands, Tenements, or Hereditaments reſpectively, and to dig, cut, trench, ſough, and remove Earth, Stones, Rubbiſh, Trees, Roots of Trees, and other Obſtructions, and do all other Matters and Things neceſſary and proper for the making, uſing, maintaining, and repairing, the ſaid Canal, and Rail or Carriage Ways or Stone Roads, and the Towing Paths on the Side of the ſaid Canal, and other the Works and Conveniencies aforeſaid, in or upon ſuch Lands, Tenements, or Hereditaments reſpectively, and thereupon to make, erect, carry on, complete, repair, and maintain, ſuch Canal, Rail or Carriage Ways or Stone Roads, Towing Paths, and other Works and Conveniencies reſpectively, as they the ſaid Company of Proprietors ſhall think fit, and to have, uſe, and enjoy, ſuch Lands, Tenements, or Hereditaments, to and for their own Uſe and Benefit, for the Purpoſe of the ſaid Canal, Rail or Carriage Ways or Stone Roads, and other Works.

Determinations of Commiſſioners, and Verdicts of Juries to be recorded, and thereupon the Lands to veſt in the Company.

XXXVI. And be it further enacted, That all Determinations of the ſaid Commiſſioners, which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the Verdicts of the Juries and the Judgement of the ſaid Commiſſioners thereon as aforeſaid, ſhall, with all convenient Speed, be tranſmitted to and ſhall be kept by the reſpective Clerks of the Peace amongſt the Records of the Quarter Seſſions of the Peace for the ſaid Counties of *Somerſet* and *Wilts* reſpectively, as the Caſe ſhall require, and ſhall be deemed Records to all Intents and Purpoſes, and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in

in all Courts whatſoever; and all Perſons ſhall have free Liberty to inſpect the ſame, paying for each Inſpection the Sum of One Shilling, and alſo to take Copies thereof, paying for every Copy at the Rate of Sixpence for every One hundred Words; and that, immediately after the Payment or Tender of ſuch Sum or Sums of Money in Groſs, or the Delivery of ſuch Security for the Payment of ſuch Annual Rent or Rents as aforeſaid, and after ſuch Determinations, Verdicts, and Judgements, ſhall be ſo tranſmitted to the ſaid reſpective Clerks of the Peace as aforeſaid, the ſaid Lands, Tenements, or Hereditaments, ſo purchaſed as aforeſaid, and all the Eſtate, Right, Title, Intereſt, Uſe, Truſt, Property, Claim, and Demand, in Law or Equity, of the Perſon or Perſons for whoſe Uſe ſuch Money or Rent ſhall be paid or ſecured as aforeſaid, into and out of the ſame, ſhall veſt in the ſaid Company of Proprietors, and they ſhall reſpectively be deemed in Law to be in the actual Poſſeſſion and Seiſin thereof, to all Intents and Purpoſes whatſoever, as fully and effectually as if every Perſon having any Eſtate or Intereſt therein had actually conveyed the ſame to them by any legal Conveyance whatſoever; and ſuch Payment, Tender, or Security, ſhall not only bar all Right, Title, Intereſt, Claim, and Demand, of the Perſon or Perſons to or for whoſe Uſe the ſame ſhall be made or given, but alſo ſhall bar the Dower of the Wife of every ſuch Perſon reſpectively, and all Eſtates Tail and other Eſtates and Intereſts in Poſſeſſion, Remainder, or otherwiſe, againſt the Iſſue of ſuch Perſon or Perſons, and againſt all Infants, Femes Covert, and all and every other Perſon or Perſons whomſoever, having or claiming any Right, Title, Eſtate, or Intereſt therein, either in Law or Equity.

What Satisfaction to be made for Tithes.

XXXVII. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company of Proprietors for all the Tithes both Great and Small of the Lands which ſhall or may be taken or made uſe of by the ſaid Company for the Purpoſes and in purſuance of the Powers of this Act, to the reſpective Perſons entitled, or who would have been entitled to ſuch Tithes in caſe ſuch Lands had not been ſo taken or made uſe of, according to their reſpective Intereſts therein; ſuch Tithes to be eſtimated at the Average Value of Four Years, commencing at *Michaelmas-day* One thouſand ſeven hundred and eighty-nine, ſuch Average 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 the Recompence and Satisfaction to be given by virtue of this Act, for all Glebe Lands and Tithes belonging to Spiritual Perſons ſhall be made to ſuch Perſons by an Annual Rent.

Purchaſe Money belonging to Corporations, &c. to be laid out in other Lands, and to be ſettled to the ſame Uſes.

XXXVIII. And be it further enacted, That out of all Sums of Money which are to be paid to any Bodies Politick or Corporate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees whatſoever, for or on the Behalf of any Infants, Lunaticks, Idiots, Femes Covert, or other Ceſtuique Truſts, or to any Perſon or Perſons whoſe Lands, Hereditaments, or Eſtates, are limited in ſtrict Settlement, for the Purchaſe of or for the Damage to be done to any Lands, Tenements, or Hereditaments, for the Purpoſes or by virtue of the Powers herein-before or herein-after contained, there ſhall in the Firſt Place be allowed and paid to any Leſſee or

or Tenant of ſuch Lands, Tenements, or Hereditaments, ſuch Sum or Sums of Money as in the Judgement of the ſaid Commiſſioners ſhall be equal in Value to the Right and Intereſt therein of ſuch Leſſee or Tenant reſpectively, and that the Reſidue of the Monies to be paid for ſuch Purchaſe or Damages as aforeſaid, in caſe the ſame ſhall amount to the Sum of Ten Pounds or upwards, ſhall be laid out, as ſoon as conveniently may be, by ſuch Bodies Politick or Corporate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, or Committees, or other Truſtees, Perſon or Perſons as aforeſaid, in the Purchaſe of Lands, Tenements, or Hereditaments, in Fee Simple, which ſhall be conveyed to or to the Uſe of ſuch Bodies Politick or Corporate, Corporations Aggregate or Sole, or ſuch other Perſon or Perſons as aforeſaid, and for ſuch Eſtates, and to, for, and upon, and ſubject to ſuch Uſes, Truſts, Limitations, Remainders, and Contingencies, as the Lands, Tenements, or Hereditaments, for or in Reſpect whereof ſuch Monies ſhall be ſo paid as aforeſaid, were limited, ſettled, and aſſured, at the Time ſuch Monies were ſo agreed for, aſcertained, or aſſeſſed reſpectively as aforeſaid, or to, for, upon, and ſubject to ſuch and ſo many of them as ſhall be then exiſting or capable of taking Effect, ſuch Conveyances and Settlements reſpectively to be made at the Expence of the ſaid Company of Proprietors; and in the mean Time, and until ſuch Purchaſe or Purchaſes ſhall be made, the ſaid Monies ſhall be placed out by ſuch Bodies Politick or Corporate, Corporations Aggregate or Sole, or other Perſon or Perſons as aforeſaid, in ſome of the Publick Funds, or on Government or Real Securities, in the Names of Two or more Perſons, to be nominated by the Party or Parties intereſted therein, and to be approved of by the ſaid Commiſſioners; and the Intereſt ariſing on or to be produced from ſuch Funds or Securities, as well as the Annual Rent to be paid for ſuch Lands, Tenements, or Hereditaments, for the Purchaſe whereof a Rent ſhall have been fixed upon as aforeſaid, ſhall from Time to Time go and belong, and be paid to ſuch Perſon or Perſons reſpectively, as would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments, purchaſed by the ſaid Company as aforeſaid, in caſe ſuch Purchaſe had not been made, purſuant to the Tenor and Meaning of this Act.

Commiſſioners may ſettle the Proportion of Purchaſe Monies not directed to be laid out in Land between the ſeveral Parties intereſted.

XXXIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, at a Meeting to be held as aforeſaid, to ſettle what Shares and Proportions of the Purchaſe Monies to be paid for any Lands, Tenements, Grounds, or Hereditaments, not being the Property of any Bodies Politick or Corporate, Corporations Aggregate or Sole, Feoffees in Truſt, Executors, Adminiſtrators, Huſbands, Guardians, Committees, or other Truſtees, or of any other Perſon or Perſons whoſe Lands or Hereditaments are limited in ſtrict Settlement; and alſo of the Monies to be paid by Way of Recompence for Damages, accruing to any ſuch Lands, Tenements, Grounds, or Hereditaments, and which ſhall be ſo agreed upon by the ſaid Company of Proprietors, and the other Parties intereſted, or determined and adjuſted by the ſaid Commiſſioners, or aſſeſſed by a Jury in the Manner herein-before mentioned, ſhall be allowed to any Perſon or Perſons having a particular Eſtate, Term, or Intereſt, in ſuch Lands, Tenements, Grounds, or Hereditaments reſpectively, for his, her, or their reſpective Intereſts therein.

XL. Provided always, and be it further enacted, That in caſe any Lands, Tenements, or Hereditaments, to be taken and uſed for the Purpoſes of this Act ſhall happen to be in Mortgage to any Perſon or Perſons, it ſhall be lawful for the Company of Proprietors, upon Application being made to them by the Mortgagee or Mortgagees thereof for that Purpoſe, to pay ſuch Sum or Sums of Money as ſhall have been ſo agreed for, or adjuſted or aſſeſſed as aforeſaid, for the Purchaſe of or for the Damage done to ſuch Lands, Tenements, or Hereditaments, in Mortgage, in Part of the Principal Money which ſhall be due thereon unto ſuch Mortgagee or Mortgagees, his, her, or their Executors or Adminiſtrators: Provided always, that upon Receipt of ſuch Sum or Sums, ſuch Mortgagee or Mortgagees ſhall acknowledge the Receipt thereof by an Indorſement to be made upon the Back of ſuch Mortgage or Mortgages, and ſigned by ſuch Mortgagee or Mortgagees in the Preſence of One or more credible Witneſs or Witneſſes, in Satisfaction of ſo much of the Principal Money due upon ſuch Mortgage or Mortgages.

The Company may pay Purchaſe Monies to Mortgagees of Lands purchaſed, if required.

XLII. And be it further enacted, That in caſe of Default or Refuſal of Payment by the ſaid Company of Proprietors of ſuch Sum or Sums of Money, and at ſuch Time and in ſuch Manner as ſhall be awarded or aſſeſſed for Recompence for Damages of any Kind by virtue of this Act, it ſhall be lawful for the ſaid Commiſſioners aſſembled at a Meeting to be held as aforeſaid, or the major Part of them, and they are hereby authorized and required by Writing under their Hands to appoint One or more Perſon or Perſons (from whom the ſaid Commiſſioners ſo aſſembled, or the major Part of them, ſhall take a proper Security) to collect and receive the Rates and Tolls by this Act impoſed, or any of them, and thereout in the Firſt Place to pay all ſuch Damages awarded or aſſeſſed as aforeſaid, and the Coſts (if any) occaſioned by ſuch Default or Refuſal of Payment thereof, together with legal Intereſt for the ſame, to be computed from the Time ſuch Damages ſhall be awarded or aſſeſſed, and alſo the Coſts and Expences of collecting and receiving the ſaid Rates and Tolls, and the Money ſo to be received by ſuch Perſon or Perſons ſhall be, and is hereby declared to be as ſo much Money received to and for the Uſe of the Perſon or Perſons who ſhall be entitled to receive ſuch Satisfaction for Damages as aforeſaid, in Order and Courſe reſpectively as ſuch Award or Aſſeſſment ſhall be in Priority of Time; and after ſuch Damages, Intereſt, and Coſts, ſhall be paid and ſatisfied, the Power and Authority of ſuch Receiver or Receivers for the Purpoſes aforeſaid ſhall ceaſe and determine, or otherwiſe the Party or Parties ſo aggrieved ſhall and may recover ſuch Sum or Sums of Money ſo to be awarded or aſſeſſed, and which ſhall not be paid as aforeſaid, with Intereſt and Coſts for the ſame, by Action at Law in any of His Majeſty's Courts of Record at *Weſtminſter*, againſt the ſaid Company of Proprietors, with full Coſts of Suit; or otherwiſe it ſhall be lawful for the ſaid Commiſſioners aſſembled at a Meeting to be held as aforeſaid, or the major Part of them, in caſe ſuch Damages, Intereſt, and Coſts, ſhall not be ſatisfied and paid within the Space of Three Calendar Months after ſuch Damages ſhall be awarded or aſſeſſed as aforeſaid, on Complaint to them by or on the Behalf of the Perſon or Perſons ſuſtaining ſuch Damages, to iſſue their Warrant under their Hands and Seals to the Sheriff of the reſpective County, authorizing and requiring him to levy and raiſe ſuch Damages, Intereſt, and Coſts as aforeſaid, by Diſtreſs and Sale of the Goods and Chattels of the

Monies aſſeſſed for Damages, how to be recovered.

ſaid Company of Proprietors, together with ſuch reaſonable Charges as the ſaid Commiſſioners ſhall in ſuch Warrant or Warrants direct and appoint.

Annual Rents to be paid for Lands, are to be charged on the Rates and Tolls.

XLII. And be it further enacted, That ſuch Annual Rents as ſhall be agreed upon, or ſettled and aſcertained to be paid for any Freehold Lands, Tythes, or Hereditaments, taken for the Purpoſes of this Act as aforeſaid, ſhall be deemed a Freehold Eſtate of Inheritance iſſuing out of the ſaid Canal, and ſhall be charged on the Rates and Tolls hereinafter granted to the ſaid Company of Proprietors, and ſhall be paid by them as the ſame ſhall become due and payable; and in caſe any ſuch Annual Rent ſhall be in Arrear, and unpaid for the Space of Twenty-one Days next after the ſame ſhall reſpectively become due and payable, it ſhall be lawful for the ſaid Commiſſioners, by Writing under their Hands, to appoint One or more Perſon or Perſons to receive the ſaid Rates and Tolls, and to pay the ſame unto ſuch Perſon or Perſons to whom ſuch Annual Rent or Rents ſo in Arrear ſhall be due, 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 to be appointed a Collector by the ſaid Commiſſioners by virtue of this Act, ſhall be deemed a Collector of the ſaid Rates and Tolls, and ſhall have the like Powers and Authorities for collecting the ſame, as if he had been appointed a Collector of the ſaid Rates and Tolls by the ſaid Company of Proprietors, until ſuch Annual Rent or Rents ſo in Arrear, with the Coſts and Charges of recovering and receiving thereof, ſhall be fully ſatisfied and paid, or ſuch Perſon or Perſons to whom ſuch Annual Rent or Rents ſhall be due and owing, may ſue for and recover the ſame with Coſts of Suit by Action of Debt, in any of His Majeſty's Courts of Record at *Weſtminſter*, or otherwiſe it ſhall be lawful for ſuch Perſon or Perſons, and he and they is and are hereby empowered to ſeize and diſtrain any Boats, Barges, or Veſſels, Waggons, Carriages, or other Goods and Effects of the ſaid Company of Proprietors which ſhall be found on the ſaid Canal, or on the ſaid Rail or Carriage Ways or Stone Roads, or in, upon, or about the Wharfs, Quays, Warehouſes, or other Works, belonging to the ſaid Company, and to detain the ſame until Payment of ſuch Rent or Rents, together with the reaſonable Charges attending ſuch Diſtreſs, and if any ſuch Diſtreſs ſhall not be redeemed within Five Days after the ſame ſhall be taken, and Notice thereof given in Writing, by affixing ſuch Notice on ſome publick Place at any of the Wharfs, Quays, or Toll Houſes, belonging to the ſaid Company of Proprietors, then ſuch Boats, Barges, or Veſſels, Waggons, Carriages, or other Goods or Effects, ſo diſtrained, ſhall and may be appraiſed and ſold in ſuch Manner as the Law directs in Caſes of Diſtreſs for Rent.

Coals, &c. found in digging the Canal, to be laid upon the Land adjoining, for the Benefit of Owners, unleſs wanted by the Company of Proprietors.

XLIII. And be it further enacted, That all Coals, Lime Stone, Free Stone, and other Minerals, which ſhall be found and dug up in making the ſaid Canal or any other Works hereby authorized to be made, ſhall be laid upon the Surface of the Land in ſome convenient Place near the ſame, at the Expence of the ſaid Company of Proprietors; and it ſhall be lawful for the Perſons in whoſe Lands ſuch Coals, Lime Stone, Free Stone, or other Stone and other Minerals ſhall be found and dug up,

up, to take, carry away, and diſpoſe of, the ſame to and for their own Uſe and Benefit, unleſs ſuch Stone ſhall be wanted by the ſaid Company of Proprietors for the making, repairing, or uſing, the ſaid Canal and Towing Paths, or either of them, or any Thing relating thereto, and that it ſhall be lawful for the Proprietors of any ſuch Mines of Coal, Lime Stone, Free Stone, or other Stone, and other Minerals, which ſhall or may be diſcovered, or cut in any Tunnel or Aqueduct which ſhall be made by virtue of this Act, to make a Sough or Drain to drain the remaining Part of ſuch Mines or Minerals, and to diſcharge the Water ariſing or flowing from the ſame into ſuch Tunnel or Aqueduct, provided that ſuch proper ſettling Places be made at convenient Diſtances in every ſuch Sough or Drain, as ſhall be approved and directed by the ſaid Company of Proprietors or their Engineer, and that the ſame ſhall be cleanſed as often as ſhall be neceſſary, at the Expence of the Perſon or Perſons to whom the ſame ſhall belong, in order to prevent the Mud, Earth, and Filth, from being conveyed into ſuch Tunnel or Aqueduct, and provided, that ſuch Part of the Sough or Drain as ſhall be under or within the Diſtance of Twenty Yards from ſuch Tunnel or Aqueduct, on either Side thereof, ſhall not exceed Four Feet in Breadth; and that the ſame ſhall be made under the Direction and Inſpection of ſome Agent or Engineer belonging to the ſaid Company of Proprietors, and that no Owners or Proprietors of any Mines or Minerals, or their Workmen or Servants, or other Perſons, ſhall open or carry on any Works for digging, getting, or diſcovering, ſuch Mines or Minerals under any Tunnel or Aqueduct to be made by virtue of this Act, or within Twenty Yards of the ſame, without the Conſent of the ſaid Company of Proprietors; and that no Water ſhall be taken or drawn off lower than the Level of the Water in the ſaid Canal by any Works to be made for getting ſuch Coals, Lime Stone, Free Stone, or other Stone or other Minerals, within Twenty Yards of any ſuch Tunnel or Aqueduct, unleſs ſuch Water ſhall be returned into the ſaid Canal through ſuch Tunnel or Aqueduct; and that no Owner or Proprietor of any Mines or Minerals, or their Workmen or Servants, or other Perſons whomſoever, ſhall, on any Account, open, dig, ſink, or carry on, any Work for the getting of Coal, Lime Stone, Free Stone, or other Stone or other Minerals, under or within the Diſtance of Ten Yards from the ſaid Canal, or any Reſervoir, Aqueduct, or Towing Paths, to be made as aforeſaid, (except as herein after mentioned), without the Conſent of the ſaid Company of Proprietors, in Writing under their Common Seal for that Purpoſe firſt had and obtained.

Regulations as to working Mines belonging to private Perſons, under or near the Canal.

XLIV. And, for the better Diſcovery of Perſons who ſhall open or carry on any Work for getting of Coals, Stone, or other Minerals, contrary to the Directions of this Act, be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, by themſelves, their Agents, or Servants, from Time to Time, and at all Times hereafter, to enter upon any Lands through or near which the ſaid Canal, Towing Paths, Reſervoirs, or other Works, hereby authorized to be made, ſhall be or paſs, and wherein any Coal, Stone, or other Mineral or Mine, ſhall or may be dug or opened, and likewiſe to enter into ſuch Coal Pits or other Mines, and there to view, ſearch, meaſure, and uſe any other Means for aſcertaining the Diſtance of the ſaid Canal, Towing Paths, Reſervoirs, or other Works, from the working Parts of ſuch Mines; and in caſe it ſhall appear that any ſuch Mine hath been worked, or any ſuch Coal, Stone, or other Mineral,

If Mines near the Canal are worked contrary to the Act, the Company may enter and ſecure the Canal at the Expence of the Owner of the Mine.

Mineral, got contrary to the Directions of this Act, it shall be lawful for the said Company of Proprietors, their Agents, Servants, or Workmen, at the Costs and Charges of the Owners of such Mine, to enter into and upon such Mine, and, from Time to Time, to use all necessary and reasonable Ways and Means for repairing, supporting, sustaining, securing, and making safe, the said Canal, Towing Paths, Reservoirs, and other Works, such Costs and Charges, to be recovered, together with full Costs of Suit, by the said Company of Proprietors, in case of Non-payment thereof upon Demand, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

Owners of Mines under or near the Canal, desirous of working the same, to give Notice to the Company, who shall make Satisfaction in case they refuse their Consent to the working the same.

XLV. Provided always, and be it further enacted, That when and as often as the Owner of any Mine of Coal, Stone, or other Minerals, lying under or within the Distance herein-before limited from the said Canal, or any Towing Path, Reservoir, or other Work, to be made in pursuance of this Act, shall be desirous of working the same, then, and in every such Case, such Owner shall give Notice in Writing under his Hand of such Intention to the Clerk or Clerks to the said Company of Proprietors, at least Three Calendar Months before he shall begin to work such Mine; and upon the Receipt of such Notice, it shall be lawful for the said Company of Proprietors to inspect or cause such Mine to be inspected, in order to determine what Coal, Stone, or other Minerals, may be come at, and be actually gotten therein or therefrom, without Prejudice or Damage to the said Canal, or any such Towing Path, Reservoir, or other Work as aforesaid; and if the said Company of Proprietors shall refuse or neglect to inspect such Mine, or cause the same to be inspected within the Space of Thirty Days after the Receipt of such Notice, then it shall be lawful for the Owner of such Mine, and he and she is hereby authorized to work such Part of the said Mine as may be under the said Canal, or any Towing Path, Reservoir, or other Work as aforesaid, or within the Distance aforesaid; and if upon such Inspection as aforesaid, the said Company of Proprietors shall refuse to permit the Owner of such Mine to work any such Part thereof as may be under the said Canal, or any such Towing Path, Reservoir, or other Work as aforesaid, or within the Distance aforesaid, or in any other Manner obstruct or prevent such Owner from getting the same, then, and in such Case, the said Company of Proprietors shall, within Three Calendar Months after such Refusal or Obstruction as aforesaid, pay or cause to be paid to such Owner a Price for the same, after the like Rate as the next adjoining Mines of equal Quality shall have been really and *bona fide* sold for, or be estimated or valued at; and if any Question or Dispute shall arise between the said Company of Proprietors and the Owner of any such Mine, his or her Heirs, Executors, or Administrators, touching the same, the Matter of such Question or Dispute shall be settled and determined by the said Commissioners, or shall be subject to the Verdict of a Jury if required, in such and the same Manner as the Value of the Lands to be purchased for the making of the said Canal or other Works is herein-before directed to be settled and ascertained, and in Default of Payment of such Money, the said Commissioners are hereby empowered and required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the said Company of Proprietors which shall be found upon the said Canal, or in or upon any Wharfs, Quays, or Warehouses, adjoining to or near the same belonging to the

ſaid Company, to and for the Uſe of the Owner of ſuch Mine, his or her Executors or Adminiſtrators, as the Caſe may be, or otherwiſe ſuch Owner, his or her Executors or Adminiſtrators, may ſue for and recover the ſame, with full Coſts of Suit, by Action of Debt in any of His Majeſty's Courts of Record at *Weſtminſter*.

Millers to put up or down Cloughs or Sluices, when required by the Company.

XLVI. And be it further enacted, That if any Miller or Owner, or Occupier of any Mill upon or near the Line of the ſaid intended Canal, do or ſhall at any Time whilſt the ſaid Canal is making or neceſſarily repairing, upon Twelve Hours Notice given by the ſaid Company of Proprietors, or any Perſon or Perſons employed as their Clerk or Agent, neglect or refuſe either to draw and keep up or open, or to ſhut or put down, and keep ſhut or put down, any Clough or Cloughs, or any Sluice or Sluices, belonging to ſuch Mill, and which ſhall be thought neceſſary in the Judgement of any Engineer to the ſaid Company to be opened or ſhut, and kept open or ſhut reſpectively for the better making or repairing the ſaid Canal and the Works neceſſary for that Purpoſe, every Perſon ſo offending ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Recompence to be made, and if Millers are not ſatisfied, Commiſſioners to determine the ſame.

XLVII. Provided nevertheleſs, That the ſaid Company of Proprietors ſhall forthwith make or tender full Recompence and Satisfaction for the Stoppage or Hindrance of working the Wheel or Wheels of any ſuch Mill by Means of ſuch drawing up or opening, or putting down or ſhutting, ſuch Clough or Cloughs reſpectively; and in Default of ſuch Tender being forthwith made by the ſaid Company of Proprietors as aforeſaid, or if any ſuch Miller, Owner, or Occupier, ſhall deem the Recompence or Satisfaction ſo tendered to be inſufficient, then, and in ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized on Complaint to them made by any ſuch Miller, Owner, or Occupier, to ſettle and aſcertain the Damages ſuſtained by him or her, and the Recompence to be made for the ſame, in like Manner as other Damages are herein directed to be aſcertained.

Company compelled to purchaſe Mills that may be injured, or to alter and improve the ſame.

XXXVIII. And be it further enacted, That if the Owner or Proprietor of any Mill or Mills, now being or ſtanding on any of the Rivers, Brooks, or Streams of Water, which are intended to, or ſhall or may at any Time or Times hereafter be uſed for the Purpoſes of the ſaid intended Canal, whoſe Mill or Mills may be injured by the ſaid intended Canal, ſhall be minded or deſirous to ſell or diſpoſe of the ſame, and ſhall give Notice in Writing under his, her, or their Hand or Hands, of ſuch his, her, or their Mind, Deſire, or Intention, to the ſaid Company of Proprietors, or to their Clerk or Clerks, within Twelve Calendar Months next after the paſſing of this Act, it ſhall and may be lawful to and for the ſaid Company of Proprietors, and they are hereby required to purchaſe ſuch Mill or Mills, with the Houſes, Gardens, and other Appurtenances adjoining for the Accommodation of the Miller, (not exceeding Two Roods of Ground to any ſuch Mill,) at the full Worth of the ſame at the Time of ſuch Notice being given, which Mill or Mills it ſhall be lawful for the ſaid Company from Time to Time to work and uſe for their own Benefit and Advantage, or to let, ſell, or otherwiſe diſpoſe of the ſame, notwithſtanding any Thing herein contained to the contrary; and if any Diſpute ſhall happen to ariſe, touching or concerning the Price of any ſuch Mill or

Mills, the ſame ſhall be ſettled by the ſaid Commiſſioners, or a Jury in Manner herein-before appointed touching Diſputes reſpecting the purchaſing of Lands for the ſaid Undertaking; and in caſe any Owner of any Mill or Mills which ſhall or may in conſequence of making the ſaid intended Canal be deprived of ſome Part of the Water which now ſupplies the ſame, ſhall refuſe to ſell his, her, or their Mill or Mills, it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required at their Coſts and Charges to cauſe the Wheels of ſuch Mill or Mills to be altered and improved by widening the Soles thereof, or otherwiſe, ſo as to give them more Power, and to render ſuch Mill or Mills as valuable as they were before ſuch Alteration or Alterations; nevertheleſs not to preclude any Mill Owner or Mill Owners from ſuch Redreſs as the Commiſſioners hereby appointed, or a Jury, are impowered to give in caſe of Damages ſuſtained by the carrying on or completing the ſaid Undertaking.

Towing Paths, &c. to be fenced off from adjoining Lands.

XLIX. And be it further enacted, That the ſaid Company of Proprietors ſhall, at their own proper Coſts and Charges, divide and ſeparate, and keep conſtantly divided and ſeparated, the ſaid Towing Paths on the Sides of the ſaid intended Canal, and the Trenches, Feeders, and Aqueducts, to be made by virtue of this Act, or ſuch Parts of ſuch Trenches, Feeders, and Aqueducts, and in ſuch Manner as ſhall be thought neceſſary by the ſaid Commiſſioners, from the Lands adjoining to ſuch Towing Paths, Trenches, Feeders, and Aqueducts reſpectively, with

Gates and Stiles to be erected on Towing Paths, &c.;

good and ſufficient Poſts, Rails, Hedges, Ditches, or other Fences, to be ſet or made on the Lands which ſhall be purchaſed by, or conveyed to, or veſted in the ſaid Company as aforeſaid, and alſo ſhall at their own Coſts and Charges make, erect, and ſet up, and from Time to Time maintain and ſupport in good Repair, ſuch and ſo many convenient Gates and Stiles upon and acroſs the ſaid Towing Paths, and in and through the Hedges and Fences to be by them ſo made on the Sides of ſuch Towing

and Bridges to be erected by the Company.

Paths as aforeſaid, and alſo ſuch Bridges, Arches, Culverts, Drains, or Paſſages, over, under, or by the Side of or into the ſaid Canal, and the Feeders, Trenches, and Watercourſes, communicating therewith, at ſuch Places and of ſuch Dimenſions and in ſuch Manner as the ſaid Commiſſioners ſhall from Time to Time judge neceſſary and appoint (in caſe there ſhall be any Diſpute about the ſame) for the Uſe of the Owners and Occupiers of the Lands or Hereditaments adjoining to ſuch Canal, Trenches, Streams, Watercourſes, and Towing Paths, and of all Perſons who now have or hereafter may have a Right to any Way over or through the Lands which ſhall be uſed for making the ſaid Canal, Trenches, Streams, Watercourſes, and Towing Paths, or any of them reſpectively, and that the ſaid Company of Proprietors ſhall alſo make proper and convenient Watering Places for Cattle, where, by Means of the ſaid Canal or other Works hereby authorized to be made, Cattle ſhall have been deprived of the Watering Places they were heretofore accuſtomed to drink and water at, and at all Times ſupply the ſame with Water in ſuch Manner as the ſaid Commiſſioners (in caſe of any Diſpute about the ſame) ſhall direct, and alſo that the ſaid Company of Proprietors ſhall, whenever the Works to be made in purſuance of this Act may interfere with any River or Watercourſe uſed for ſupplying any Dwelling Houſes, or watering any Cattle in any Lands near, contiguous, or adjoining to, the ſaid intended Canal or Works, convey and

ſecure to the Owners or Occupiers of ſuch Dwelling Houſes or Lands near, contiguous, or adjoining to, the ſaid intended Canal or Works, all ſuch Water for the Uſe of ſuch Dwelling Houſes and Lands as ſhall be neceſſary; and the ſaid Company of Proprietors ſhall not make the ſaid Canal or any Trench or Watercourſe in or acroſs any Common Highway, Publick or Bridle Way, or Foot Way, until they ſhall at their own proper Charges have made and perfected ſuch Bridge or Bridges over, or other convenient Paſſages through, or Arch or Arches under, the ſaid Places where the ſaid Canal, Trenches, or Watercourſes reſpectively ſhall be intended to be made, of ſuch Dimenſions and in ſuch Manner as the ſaid Commiſſioners ſhall adjudge proper; and all ſuch Gates, Stiles, Fences, Bridges, Arches, and other Conveniencies, to be made by the ſaid Company of Proprietors for the Purpoſes aforeſaid, either with or without the Direction of the ſaid Commiſſioners, ſhall from Time to Time be ſupported, maintained, and kept in ſufficient Repair, by the ſaid Company of Proprietors; and in caſe it ſhall be found neceſſary to alter or widen any Arch or Arches now exiſting for the Purpoſes of the ſaid Navigation, the ſame ſhall, after ſuch Alteration or Widening be repaired from Time to Time at the joint and equal Expence of the Perſon or Perſons now liable to repair the ſame, and of the ſaid Company of Proprietors.

Company to ſecure a ſufficient Supply of Water to Dwelling Houſes, and for watering Cattle.

L. And be it further enacted, That in caſe the ſaid Company of Proprietors, or their Agents, ſhall omit to make, erect, and ſet up ſuch Fences on the Sides of the ſaid Towing Paths, Trenches, Feeders, and Aqueducts, and ſuch Gates and Stiles in and over the ſaid Fences and Towing Paths, or ſuch Bridges, Arches, or Paſſages, over, under, or through the ſaid Canal, Trenches, Streams, and Watercourſes as aforeſaid, or to make ſuch Watering Places for Cattle as herein-before directed, for the Uſe and Convenience of ſuch Perſons as herein-before mentioned, and of ſuch Dimenſions and in ſuch Manner as the ſaid Commiſſioners ſhall from Time to Time direct and appoint, (in caſe there ſhall be any Diſpute about the ſame), or to maintain or ſupport ſuch Fences, Gates, Stiles, Bridges, Arches, and Watering Places, when erected, ſet up, and made as aforeſaid, for the Space of Three Calendar Months next after the Times to be appointed for thoſe Purpoſes by the Commiſſioners, then and in every ſuch Caſe it ſhall be lawful for every or any of the ſaid Owners or Occupiers of the ſaid adjacent Lands, and every other Perſon or Perſons who ſhall find themſelves, himſelf, or herſelf aggrieved by any ſuch Failure or Neglect, to make and ſet up ſuch Fences, 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 ſaid Fences, Gates, Bridges, Stiles, Arches, Paſſages, Watering Places, and other Conveniencies, from Time to Time, as Occaſion ſhall require, and all the reaſonable Coſts and Charges thereof to be ſettled and allowed by the ſaid Commiſſioners ſhall be repaid to the Perſon or Perſons who ſhall make, erect, or repair the ſaid Fences, Gates, Stiles, Bridges, Arches, Paſſages, Watering Places, or other Conveniencies, by the ſaid Company of Proprietors, within the Space of Twenty Days next after the ſame ſhall have been delivered, and Demand made thereof to any One of the Committee of Proprietors to be appointed by virtue of this Act as herein-after mentioned, or to the Clerk to the ſaid Company; and in Default of Payment of the ſaid Coſts and Charges within

In caſe of Failure to fence off Towing Paths and make Bridges, &c. Owners of Lands adjoining may do the ſame at the Company's Expence.

within the Time aforeſaid, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby required by Warrant under their Hands and Seals to levy the ſaid Coſts and Charges by Diſtreſs and Sale of the Goods and Chattels of the ſaid Company of Proprietors, to and for the Uſe of ſuch Perſon or Perſons who ſhall have ſo laid out and expended the ſame as aforeſaid, rendering to the ſaid Company of Proprietors, or to ſome of their Agents, the Overplus (if any) after deducting the reaſonable Charges of making ſuch Diſtreſs and Sale, to be ſettled by the ſaid Commiſſioners, or otherwiſe, every or any of the ſaid Owners or Occupiers of Lands, or other Perſon or Perſons aforeſaid, who ſhall have made, erected, ſet up, or repaired, any ſuch Fences, Gates, Stiles, Bridges, Arches, Watering Places, or other Conveniencies, by virtue of the Powers hereby given, ſhall and may ſue for and recover ſuch Coſts and Charges againſt the ſaid Company of Proprietors, by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

Owners or Occupiers may erect Bridge, &c. at their own Expence, if not ſatisfied with thoſe erected by the Company.

LI. And be it further enacted, That if the Owners or Occupiers of any Lands through which the ſaid intended Canal, Trenches, Feeders, and Aqueducts ſhall be made, or any other Perſon or Perſons having a Right to a Way or Paſſage over ſuch Lands, ſhall at any Time or Times hereafter be of Opinion that the ſeveral Bridges, Watering Places, and other Conveniencies which ſhall have been made by the ſaid Company of Proprietors, either with or without the Directions of the ſaid Commiſſioners, in, upon, over, under, or through the ſaid Canal, Trenches, Feeders and Aqueducts, or the Towing Paths thereof, for the Uſe of the Owners and Occupiers of the ſaid Lands, are inſufficient either in Number or Situation for the commodious Uſe and Occupation of the reſpective Lands on both Sides or on either Side of the ſaid Canal, Trenches, Feeders, and Aqueducts reſpectively, and ſhall either not chuſe to apply to the ſaid Commiſſioners in Manner herein-before directed, in order to have the ſame remedied or altered by making or erecting One or more additional Bridge or Bridges, or other Conveniencies, or by the altering of the Situation of the preſent ones at the Expence of the ſaid Company of Proprietors, or ſhall apply to the ſaid Commiſſioners as aforeſaid, but without Succeſs, then, and ſo often and in any ſuch Caſe it ſhall be lawful for ſuch Owners or Occupiers of the ſaid Lands, or ſuch other Perſon or Perſons as aforeſaid, with the Conſent and Approbation of the Committee of Proprietors herein-after directed to be appointed, upon Requeſt made to them for that Purpoſe; or in caſe of their Refuſal for the Space of Ten Days after ſuch Requeſt, then with the Conſent and Approbation of the ſaid Commiſſioners, to make, fix, and erect, at their own Coſts and Charges, ſuch Bridges, Watering Places, or other Conveniencies, in, over, or near, the ſaid Canal, Trenches, Feeders, Watercourſes, and Towing Paths, in ſuch Places as ſhall be found and adjudged moſt neceſſary and convenient for the better Uſe, Cultivation, Improvement, or Occupation, of the ſaid Lands, and to repair and ſupport the ſame reſpectively at their own like Coſts and Charges, as Occaſion ſhall require, ſo as the Navigation or Paſſage of, in, or upon the ſaid Canal, Trenches, Feeders, Aqueducts, or Towing Paths reſpectively, be not prevented or obſtructed thereby for any longer Space of Time, or in any other Manner, than the ſame will neceſſarily be by any of the Bridges or other Works to be made or erected by, in, or over, the ſame by the ſaid Company

Company of Proprietors as aforeſaid, and ſo as no greater Damage or Injury be thereby done to any of the ſaid Works of the ſaid Company than will be neceſſarily done by the ſaid other Bridges or other Works to be made or erected by the ſaid Company of Proprietors as aforeſaid.

Owners of Lands may make Side Cuts through their own Lands.

LII. And be it further enacted, That it ſhall and may be lawful to and for the Owners or Proprietors of any Lands to make any Navigable Cut or Sluice through their own Lands to communicate with the Canal hereby authorized to be made in ſuch Manner as they ſhall think proper, ſo as no Impediment, Injury, Loſs of Water, or Damage, be occaſioned thereby to the ſaid Navigation and ſo as the Perſon or Perſons making ſuch Cut or Sluice ſhall, if thereunto required by the ſaid Company of Proprietors, make, erect, and maintain, One or more proper and effectual Stop-gate or Stop-gates in every ſuch Cut or Sluice, in order to prevent any Waſte or Loſs of Water from the ſaid Canal by Means of ſuch Cut or Sluice communicating therewith as aforeſaid.

The Company to make and cleanſe Drains, and to convey Water from adjoining Lands.

LIII. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby empowered, at their own proper Coſts and Charges, to make, or cauſe to be made, ſuch Arches, Tunnels, Drains, or other Paſſages, over, under, or into, the ſaid Navigable Canal hereby authorized to be made, and the Trenches, Streams, and Watercourſes, communicating therewith, and the Towing Paths on the Sides thereof, of ſuch Depth and Breadth as ſhall be ſufficient, at all Times, to convey the Water from the Lands adjoining or lying near the ſaid Canal, without obſtructing or impeding the ſame, and ſhall likewiſe make, or cauſe to be made, ſuch Back Drain or Drains as ſhall be neceſſary and ſufficient to carry off any Water which may ooze or paſs through any of the Banks of the ſaid Canal to the Prejudice of any of the Lands contiguous thereto, and that all ſuch Arches, Tunnels, Drains, or other Paſſages, ſhall from Time to Time, be ſupported, maintained, and kept, in good and ſufficient Repair by the ſaid Company of Proprietors; and if at any Time or Times, after One Calendar Month's Notice ſhall have been given in Writing, by or on the Behalf of the Owner or Occupier, Owners or Occupiers, of the ſaid adjacent Lands, who ſhall find himſelf, herſelf, or themſelves, aggrieved by the Obſtruction of any ſuch Watercourſes, to the ſaid Company af Proprietors, or their Clerk or Clerks, the ſaid Arches, Tunnels, Drains, or other Paſſages, ſhall not be made, cleanſed, repaired, and maintained, according to the true Intent and Meaning of this Act, it ſhall be lawful for the Perſon or Perſons having an Order in Writing for that Purpoſe from the ſaid Commiſſioners, from Time to Time as often as there ſhall be Occaſion, to make, cleanſe, and repair ſuch Arches, Tunnels, Drains, or other Paſſages, and the reaſonable Coſts and Charges thereof to be aſcertained by the ſaid Commiſſioners, ſhall be defrayed by the ſaid Company of Proprietors; and, in caſe of Refuſal or Neglect to ſatisfy the ſame for the Space of One Calendar Month after Demand thereof made, the ſame may be recovered and levied in ſuch and the ſame Manner as the Coſts and Charges of making and erecting Bridges and other Works by the Owners and Occupiers of Lands are herein-before appointed and directed to be recovered and levied: Provided the Owner or Occupier of the Lands adjoining, or lying contiguous to the ſaid Canal, ſhall, at the Time of giving ſuch Notice to the ſaid Company or their Clerk or Clerks as aforeſaid, have his or her own Ditches, Drains,

Paſſages for Water and Watercourſes leading to or from the ſaid Canal, Trenches, Drains, and Paſſages for Water belonging to the ſaid Company ſufficiently cleanſed and opened to convey the Water to or from the ſame: Provided alſo, that nothing herein contained ſhall extend to enforce the admitting of any Water ariſing from ſudden Floods or Land Floods into the ſaid Canal which may injure the ſaid Navigation.

Company may cleanſe adjoining Ditches and Drains, at the Expence of the Owners, if neglected by them.

LIV. And be it further enacted, That if at any Time the Ditches and Drains belonging to the Owner or Occupier of any Lands adjoining or lying contiguous or near to the ſaid Canal ſhall not be ſufficiently open for the free Paſſage of the Water from the Drains, Culverts, and Paſſages belonging to the ſaid Canal, and the ſame ſhall not be remedied within One Calendar Month after Notice for that Purpoſe given to ſuch Owner or Occupier by the Clerk or Clerks of the ſaid Company of Proprietors, it ſhall be lawful for the ſaid Company of Proprietors, having an Order in Writing for that Purpoſe from the ſaid Commiſſioners, or any Five or more of them, although not aſſembled at a Meeting, as often as there ſhall be Occaſion, to order and procure to be opened and cleanſed ſuch Ditches and Drains as aforeſaid, and the reaſonable Expence thereof, (to be aſcertained and allowed by the ſaid Commiſſioners), ſhall be repaid to the ſaid Company of Proprietors by ſuch Owner or Occupier; and in caſe of Refuſal to ſatisfy the ſame for the Space of Three Calendar Months after Demand made thereof, the ſame ſhall and may be recovered in ſuch Manner as any Penalties are by this Act directed to be recovered.

The Company empowered to repair Damages occaſioned by Floods, and prevent further Damage from the ſame.

LV. And whereas it may happen from Floods, or ſome unexpected Accidents, that the ſaid Canal, Locks, Weirs, Flood Gates, Dams, Banks, Trenches, Aqueducts, or other Works, belonging to the ſaid Company of Proprietors, may be damaged or deſtroyed, and the adjacent Lands thereby endangered or damaged; and it may be neceſſary that the ſame ſhould be immediately repaired or rebuilt; to prevent further Damage, be it therefore enacted, That when and ſo often as any ſuch Accident ſhall happen, it ſhall be lawful for the ſaid Company of Proprietors, or their or any of their Servants, Agents, or Workmen, from Time to Time, without any previous Application to the ſaid Commiſſioners, and without any Delay or Interruption from any Perſon or Perſons whomſoever, to enter into any Lands adjoining or near to the ſaid Canal, Trenches, Aqueducts, or other Works, or any of them, (not being the Land whereon any Houſe ſtands, or an Orchard, Park, Paddock, Garden, or planted as a Nurſery for Trees, or an Avenue to a Houſe), and to dig for, get, work, take, carry away, and uſe, all ſuch Stones, Gravel, and other Materials, as may be neceſſary or proper for the Purpoſes aforeſaid, without any previous Treaty whatſoever with the Owner or Owners, Occupier or Occupiers of, or other Perſon or Perſons intereſted in, ſuch Lands, or any of them, doing thereby as little Damage as the Nature of the Works will admit of, and making Recompence to the Perſon or Perſons ſuſtaining the ſame, within the Space of Three Calendar Months next after the ſame ſhall be demanded, for all Damages which may be done by Means of the digging for, getting, carrying away, and uſing ſuch Stones, Gravel, and Materials, or any of them; which Damages, and the Satisfaction and Recompence to be made in reſpect thereof, ſhall be adjuſted, aſſeſſed, aſcertained, ſettled, and determined, by the Ways

and Means herein-before preſcribed, with Reſpect to any other Damages done in the making and completing of the ſaid Navigation.

Proprietors to have Water raiſed by Steam Engines, for the Uſe of the Canal, and to compel raiſing thereof.

LVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors and their Succeſſors, and they are hereby empowered and authorized to take and uſe for the Purpoſe of the ſaid Canal, all ſuch uſeleſs or waſte Water as ſhall from Time to Time be raiſed from any Coal Work or Coal Works, by any Steam Engine or Steam Engines, Water Wheel or Water Wheels, within the Diſtance of Two thouſand Yards from the ſaid Canal; and in caſe ſuch uſeleſs or waſte Water ſhall not be raiſed by ſuch Steam Engine or Steam Engines, Water Wheel or Water Wheels, to a proper and ſufficient Height, ſo that the ſame may be turned or let into the ſaid Canal; that then the Owner or Proprietor, or Owners or Proprietors, of all and every ſuch Steam Engine or Steam Engines, Water Wheel or Water Wheels, at the Requeſt of the ſaid Company of Proprietors, or their Succeſſors, ſhall, and they are hereby required to cauſe ſuch uſeleſs or waſte Water to be raiſed to a proper and ſufficient Height, ſo that the ſame may be turned or let into the ſaid Canal; and that in caſe the ſaid Owner or Owners, Proprietor or Proprietors, of any ſuch Steam Engine or Steam Engines, Water Wheel or Water Wheels, ſhall neglect or refuſe ſo to do within Six Calendar Months next after Notice delivered to him, her, or them, or any of them, or left for him, her, or them, at his, her, or their laſt or uſual Place of Abode or Dwelling, or to the Engineer employed in the Management of ſuch Engine; then it ſhall and may be lawful to and for the ſaid Company of Proprietors and their Succeſſors, to enter into and upon all and every ſuch Steam Engine or Steam Engines, Water Wheel or Water Wheels, and the Houſes and Places thereunto reſpectively belonging or uſed therewith, and all and every the Pit and Pits thereto belonging or connected therewith; and to alter the ſame in ſuch Manner as may be requiſite for raiſing the ſaid Water to a proper and ſufficient Height for the Purpoſe aforeſaid; provided that all the Expences, Coſts, Damages, and Charges, of ſuch Alteration or Alterations in raiſing the Water for the Uſe of the ſaid Canal, and of any Impediments and Obſtructions occaſioned thereby, ſhall be from Time to Time borne, paid, and defrayed, by the ſaid Company of Proprietors or their Succeſſors.

Power to take Water out of Canal for working Steam Engines.

LVII. And whereas it is proper that the Owners and Proprietors of Steam Engines, erected or to be erected upon or near to the Line of the ſaid intended Canal, ſhould be permitted to take and uſe Water out of the ſaid Navigation for condenſing the Steam of ſuch Steam Engines, ſuch Proprietors reſpectively returning an equal Quantity of Water into the ſaid Canal; be it therefore enacted, That it ſhall and may be lawful to and for the Owners or Proprietors of any Steam Engine or Steam Engines, erected or to be erected on the Line of the ſaid intended Canal, or of any Cut or Sluice to be made by any Owners or Proprietors of Lands or Mines, to communicate with the ſaid Canal, or within the Diſtance of One thouſand Yards of the ſame, to make a Communication between the ſaid Canal, or ſuch Cut or Sluice reſpectively, and ſuch Steam Engine or Steam Engines, by Means of One or more Metal Pipes of ſufficient Strength or Thickneſs, and ſo conſtructed in every Reſpect as to prevent any Leakage or Waſte of Water, and to draw from the

the ſaid Canal, or ſuch Cut or Sluice as aforeſaid reſpectively, ſuch Quantities of Water as ſhall be ſufficient for the Purpoſe of condenſing the Steam of ſuch Engines: Provided always, that every Proprietor of ſuch Engine ſo to be erected as aforeſaid, ſhall return to the ſaid Canal in each and every Day, a Quantity of Water equal to what ſhall be drawn from the ſame as aforeſaid, ſo that no Loſs of Water ſhall ariſe therefrom to the Navigation of the ſaid Canal or Cuts reſpectively: Provided alſo, that the ſaid Water ſo taken, ſhall only be applied to the working of the ſaid Engine or Engines, and to no other Uſe or Purpoſe whatſoever, and that every Perſon laying Pipes into the ſaid Canal, Cuts, or Sluices, for the Purpoſes aforeſaid, ſhall be, and is hereby required and obliged, to make good the Banks of the ſaid Canal and Cuts, and to repair all ſuch other Damages as may ariſe from the laying in of the ſaid Pipes, at his and their own proper Coſts and Charges; and that they ſhall do the ſame in ſuch Manner, and at ſuch Times, as ſhall cauſe no Let, Hindrance, or Moleſtation, to the Navigation of the ſaid Canal and Cuts: Provided alſo, that no Perſon whomſoever ſhall, in conſequence of this Act, take any Water from the ſaid Canal, Cuts, and Sluices, reſpectively, for the Purpoſes aforeſaid, without giving Twenty Days previous Notice of ſuch his or her Intention, to the Committee of the Proprietors of the ſaid Navigation, by Writing, to be delivered to their Clerk or Clerks, in order that the ſaid Committee may appoint a Perſon to inſpect into the ſaid Premiſes, and ſee that the Pipes are laid into the Banks in a proper Manner, according to the true Intent and Meaning of this Act.

Regulation with Reſpect to Water at *Camerton*.

LVIII. And be it further enacted and declared, That the ſaid Company of Proprietors, and their Succeſſors, Servants, Agents, or Workmen, ſhall be, and are hereby reſtrained and prohibited from diverting, taking, having, drawing, or uſing, any of the Water in the River, between a certain Bridge, called *Radford Bridge*, in the Pariſhes of *Camerton*, *Paulton*, *Timſbury*, and *Midſomer Norton* aforeſaid, and a certain Place called the *Hop Yard*, in the ſaid Pariſh of *Camerton*, now uſed or employed in working the Water Wheels of *James Stephens* Eſquire, and other Proprietors of Coal Works in the ſaid Pariſh of *Camerton*, without the Conſent of the ſaid *James Stephens* and the ſaid other Proprietors; and that, in caſe the ſaid *James Stephens*, his Heirs or Aſſigns, ſhall at any Time or Times hereafter think it neceſſary and expedient to open any other Coal Work, or to erect or ſet up any Water Wheel or Wheels, for the Purpoſe of drawing or working any Coal Work or Coal Works, in the ſaid Pariſh of *Camerton*, and ſhall have Occaſion to uſe ſuch Water for working the ſame, it ſhall not be lawful for the ſaid *James Stephens*, his Heirs or Aſſigns, to uſe ſuch Water for working ſuch Water Wheels ſo hereafter to be erected or ſet up, without the Conſent of the ſaid Company of Proprietors; provided that in caſe the ſaid Company of Proprietors ſhall not conſent thereto, then they are hereby required to make to the ſaid *James Stephens*, his Heirs or Aſſigns, a fair and proper Recompence and Satisfaction for the Loſs of ſuch Water, to be ſettled, in caſe of any Diſpute concerning the ſame, in the ſame Manner as any other Recompence or Satisfaction is hereby directed to be ſettled and aſcertained; and that the ſaid *James Stephens*, his Heirs or Aſſigns, ſhall be at Liberty to agree with the Company for widening or enlarging any Part of the ſaid intended Canal through the ſaid Pariſh, or to do the ſame at any future Period, at his own Expence, provided ſuch Alter-

ation does not damage or injure the ſaid Canal, and that he or they enter into proper Security for the future maintaining the ſame in a proper and navigable State.

Company reſtrained from diverting Water to the Injury of Wheels or Steam Engines.

LIX. And be it further enacted and declared, That the ſaid Company of Proprietors, and their Servants, Agents, or Workmen, ſhall be, and they are hereby reſtrained and prohibited from diverting out of its uſual Courſe any of the Water now uſed or employed, or that ſhall or may hereafter be found neceſſary to be uſed or employed in working the Water Wheels and Steam Engines, or either of them, already erected, or that ſhall or may hereafter be erected, of or belonging to any Coal Work or Coal Works, or intended Coal Work or Coal Works, in any or either of the Pariſhes through or near which the ſaid Canal is intended to paſs, ſo as to injure ſuch Water Wheels or Steam Engines, without the Conſent of the Owner or Owners, Proprietor or Proprietors, of ſuch Water Wheels, Steam Engines, or Coal Works, in Writing for that Purpoſe firſt had and obtained, or making or tendering a proper Recompence and Satisfaction for the ſame, to be ſettled and aſcertained in the ſame Manner (in caſe of a Diſpute about the ſame) as other Recompence and Satisfaction is hereby directed to be ſettled and aſcertained.

Further Regulation with reſpect to taking Water.

LX. Provided nevertheleſs, That nothing herein contained ſhall hinder or prevent the ſaid Company of Proprietors from having and taking, for the Uſe and Supply of the ſaid Navigation, any Springs which may happen to ariſe in the Bed of the ſaid Canal, and which ſhall be neceſſarily and unavoidably intercepted in the making of the ſaid Canal, (except ſuch Springs, Streams, or Rivulets, as are now viſible and run upon the Surface of the Ground); nor from having or taking for the Uſe and Supply of the ſaid Navigation ſuch Rain Water as ſhall fall on the Surface of the ſaid Canal; nor from making ſuch Reſervoirs, Feeders, and Aqueducts, for ſupplying the ſaid Canal with Water, as the ſaid Company of Proprietors are authorized and empowered to make and execute under the Powers herein contained, or any of them.

Reſtriction for Security of Owners of Mills, Water Wheels, and Steam Engines.

LXI. And for preventing Injury or Damage to the Owners and Occupiers of Mills, Water Wheels, or Steam Engines, or other Perſons intereſted in the Rivers, Streams, and Waters, flowing or running in the Vallies through which the ſaid Canal is intended to paſs; be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Company of Proprietors, under any Pretence whatſoever, to take or uſe, or ſuffer to be taken or uſed, for the ſaid Canal, or to flow or run into any Reſervoir or Reſervoirs, or other Works of the Navigation, of or for the Uſe of the ſame Canal, any of the Springs, Watercourſes, Brooks, or Streams of Water, now flowing to, or ſupplying, or aſſiſting in ſupplying with Water, any Mill or Mills, Water Wheel or Water Wheels, Steam Engine or Steam Engines, along the Lines of the ſaid Canal, ſave and except that the ſurplus Water of the ſaid Springs, Watercourſes, Brooks, or Streams of Water, in Times of Exceſs, ſhall and may be taken for the Uſe of the ſaid Canal, when the Water ſhall fill and exceed certain Gauges, to

be fixed by ſuch Perſons, of ſuch Dimenſions, at ſuch Places only, and in ſuch Manner, as is herein-after expreſſed.

Engineers to be appointed for fixing the Gauges.

LXII. And be it further enacted, That in caſe any Diſpute ſhall ariſe between the ſaid Company of Proprietors and the Owner or Owners of any ſuch Mill or Mills, Water Wheel or Water Wheels, or Steam Engine or Steam Engines, touching the Place or Places of fixing any ſuch Gauge or Gauges, or the Dimenſions thereof, then One Engineer ſhall be appointed by the Owner or Owners of ſuch Mill or Mills, Water Wheel or Water Wheels, or Steam Engine or Steam Engines, or the major Part of them, by Writing, under his, her, or their Hand or Hands, and another Engineer ſhall be appointed by Writing, under the Common Seal of the ſaid Company of Proprietors, within One Calendar Month next after ſuch Diſpute ſhall ariſe as aforeſaid, and that the ſaid Engineers ſo to be appointed ſhall, and they are hereby required to aſcertain and determine the Places where Gauges ſhall be placed upon the ſaid Watercourſes, Brooks, or Streams of Water, or any or either of them, and the Nature, Conſtruction, Dimenſions, and Levels, of ſuch Gauges, ſo as that the ſame ſhall denote and aſcertain the Quantity of Water flowing in the ſame Watercourſes, Brooks, or Streams reſpectively, at the Places where ſuch Gauges ſhall be fixed, that may be neceſſary for or towards the Supply of the ſeveral Mills, Water Wheels, and Steam Engines below, and alſo to aſcertain and determine the Means of guarding and protecting ſuch Gauges, provided that ſuch Gauges ſhall be ſo placed as that the Water will be above the Level of the Reſervoirs intended to be ſupplied with ſuch ſurplus Water; and if the Two Engineers to be appointed as aforeſaid ſhall not agree in Opinion, touching the Situation, Nature, Conſtruction, Dimenſions, and Levels, of ſuch Gauges reſpectively, and the Means of guarding and protecting the ſame, then the ſaid Engineers ſhall, and are hereby required forthwith to refer the Matter in Difference to ſome other Engineer, to be by them appointed for that Purpoſe, who ſhall and is hereby required to ſettle and determine the ſame; and in caſe the ſaid Owners of Mills, Water Wheels or Steam Engines, or the major Part of them, or the ſaid Company of Proprietors, ſhall not reſpectively appoint ſuch Engineers within the Time aforeſaid; or if the Engineers ſo to be appointed, or either of them, ſhall die or refuſe or neglect to act in the Premiſes; or if ſuch Engineers ſo to be appointed as aforeſaid ſhall not, within the Space of Two Calendar Months next after ſuch Appointment as aforeſaid, agree and determine upon the Manner in which ſuch Gauge or Gauges ſhall be conſtructed, or ſhall not appoint ſuch other Engineer as aforeſaid; or if ſuch other Engineer ſhall not ſettle and determine the Matters aforeſaid within Two Calendar Months after he ſhall be appointed; then, and in ſuch Caſe, the ſame ſhall be ſettled and determined by the ſaid Commiſſioners; and the ſaid Owner or Owners of ſuch Mill or Mills, Water Wheel or Water Wheels, Steam Engine or Steam Engines, or the major Part of them, ſhall be at Liberty, from Time to Time, by Writing under his, her, or their Hands, to appoint an Agent on his, her, or their Behalf, to examine and inſpect from Time to Time the State and Condition of the ſaid Gauges; and ſuch Agent ſhall be paid by the Company of Proprietors after the Rate of Three Shillings *per* Day, not exceeding Twelve Days in each Year:

If Engineers do not agree about fixing the Gauges, Commiſſioners are to ſettle the ſame.

Provided

Provided that only One Agent ſhall be appointed on the *Dunkerton* Line of the ſaid Canal, and One on the *Radſtock* Line of the ſaid Canal.

Canal to be ſo made as to communicate with the *Kennett* and *Avon* Canal, on a dead Level.

LXIII. And be it further enacted, That the ſaid Company of Proprietors of the Canal hereby authorized to be made, may, and they are hereby empowered to make and conſtruct the ſame Canal, ſo as to communicate with the ſaid intended *Kennett* and *Avon* Canal, on a dead Level, and without any Lockage, from the ſaid Canal hereby authorized to be made into or out of the ſaid intended *Kennett* and *Avon* Canal.

The Company empowered to raiſe a certain Sum for the Expences of the Act, and carrying on the Undertaking.

LXIV. And to the End that the ſaid Company of Proprietors of the Canal hereby intended to be made may be enabled to execute the ſaid Undertaking, 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 to them ſhall ſeem meet and convenient, ſuch Sum or Sums of Money for the making, carrying on, and completing, of the ſaid Canal, Rail or Carriage Ways or Stone Roads, Reſervoirs, Aqueducts, Quays, Wharfs, and other Works and Conveniencies hereby authorized to be made, as ſhall be adjudged ſufficient, not exceeding in the Whole the Sum of Eighty thouſand Pounds, (except as herein-after is mentioned); and that the ſame ſhall be divided into ſuch Number of Shares as herein-after directed, at a Sum not exceeding One hundred Pounds *per* Share; and that no Perſon ſubſcribing to, or becoming a Proprietor in ſuch Navigation, ſhall become a Proprietor of leſs than One Share, or more than Forty Shares, either in his own Name, or in the Name or Names of any other Perſon or Perſons in Truſt for him, (except the ſame ſhall come to him by Will, Settlement, or Act of Law), upon Pain of forfeiting to the ſaid Company of Proprietors all ſuch Shares exceeding Forty Shares as aforeſaid; and that a ſufficient Part of ſuch Money ſhall be laid out and applied, in the Firſt Place, in Payment, Satisfaction, and Diſcharge of the Coſts, Charges, and Expences, attending the obtaining and paſſing of this Act, and making the proper Surveys, Plans, and Eſtimates, and doing and providing all other Matters and Things preparatory and previous thereto; and that the Reſidue of ſuch Money ſhall be applied and diſpoſed of for or towards the making, carrying on, completing, and maintaining, of the ſaid Canal, and Rail or Carriage Ways or Stone Roads, and for other the Purpoſes of this Act.

The Money raiſed to be divided into 800 Shares, and numbered in Progreſſion, and be deemed Perſonal Eſtate.

LXV. And be it further enacted, That the ſaid Sum of Eighty thouſand Pounds, or ſuch Part thereof as ſhall be contributed by the ſaid Company of Proprietors, ſhall be divided into Eight hundred Parts or Shares; and that ſuch Shares ſhall be numbered in regular Progreſſion; and every ſuch Share ſhall always be diſtinguiſhed by the Number to be appointed for the ſame; and that all ſuch Shares ſhall be deemed Perſonal Eſtate, and may be tranſmiſſible as ſuch, and not of the Nature of Real Eſtate; and that the ſaid Eight hundred Shares ſhall be, and they are hereby accordingly veſted in the ſeveral Subſcribers thereto, and their reſpective Executors, Adminiſtrators, and Aſſigns, to and for their own reſpective Uſe and Benefit, proportionably to the Sums they ſhall reſpectively ſubſcribe and pay thereunto; and that all Bodies Politick and Corporate, and other Perſons, and their reſpective Succeſſors, Executors, Adminiſtrators,

Adminiſtrators and Aſſigns, who ſhall ſeverally ſubſcribe and pay in the Sum of One hundred Pounds, or ſuch Sum or Sums as ſhall be demanded in Lieu thereof, towards carrying on and completing the ſaid Canal, Rail or Carriage Ways or Stone Roads, Refervoirs, and other Works hereby authorized to be made; ſhall be entitled to and receive, after the ſaid Navigation ſhall be completed, the entire and neat Diſtribution of One eight hundredth Part of the Profits and Advantages which ſhall and may ariſe and accrue by or from the Rates, Tolls, and other Monies, to be raiſed, recovered, or received, by virtue of this Act; and ſo in Proportion for any greater Number of Shares, not exceeding Forty Shares, to any One Perſon as aforeſaid; and that every Body Politick and Corporate, and every other Perſon having ſuch Property of One eight hundredth Part or Share, or more, in the ſaid Undertaking, ſhall from Time to Time bear and pay an adequate and proportionable Sum towards carrying on the ſame, in the Manner herein-after directed.

Names of Proprietors, and the Numbers of their Shares, to be entered in a Book, and Tickets with ſame Numbers delivered to them.

LXVI. And for the better ſecuring to the ſeveral Subſcribers towards the ſaid Undertaking their reſpective Shares therein, be it further enacted, That the ſaid Company of Proprietors, or their Committee of Management, ſhall, as ſoon as the ſame can or may be done, cauſe the Names and Additions of the ſeveral Perſons who ſhall be entitled to any Share or Shares in the ſaid Undertaking, and the Number of Shares to which they ſhall be reſpectively entitled, and alſo the proper Number by which every ſuch Share ſhall be diſtinguiſhed, to be fairly and diſtinctly entered in a Book, to be kept by the principal Clerk to the ſaid Company of Proprietors, for the Time being; and after ſuch Entry, to cauſe the Common Seal of the ſaid Company of Proprietors to be affixed thereto; and ſhall alſo cauſe as many Tickets or Inſtruments to be prepared as there ſhall be Shares in the ſaid Undertaking, bearing reſpectively the ſame Numbers as in the ſaid Book, and the Common Seal of the ſaid Company of Proprietors to be affixed to each ſuch Ticket or Inſtrument, and thereupon to cauſe to be delivered to every Subſcriber towards the ſaid Undertaking, upon Demand, a Ticket or Tickets, ſpecifying the Share or Shares to which he or ſhe is entitled in the ſaid Undertaking, ſuch Subſcriber paying to the Clerks to the ſaid Company Two Shillings and Sixpence, and no more, for every ſuch Ticket or Inſtrument; and ſuch Ticket or Inſtrument ſhall be admitted in all Courts whatever, as Evidence of the Title of ſuch Subſcriber, his or her Executors, Adminiſtrators, and Aſſigns, to the Share therein ſpecified; but the Want of any ſuch Ticket or Inſtrument ſhall not hinder or prevent the Owner of any Share from ſelling or diſpoſing thereof, or from receiving annually his Share of the Profits of the ſaid Navigation in reſpect thereof.

Subſcribers to be deemed Proprietors, and have a Vote for every Share.

LXVII. And, to the Intent that all Matters and Things touching or concerning the carrying on and completing the ſaid Canal and other Works hereby authorized to be made, may be managed and conducted in the moſt beneficial Manner, be it further enacted, That all and every Body and Bodies Politick and Corporate, and other Perſon or Perſons, who ſhall, by virtue of this Act, have ſubſcribed for, or ſhall become entitled to, and be in the actual Poſſeſſion of, One or more Share or Shares in the ſaid Navigation and Undertaking hereby authorized to be made, ſhall be deemed a Proprietor for every ſuch Share, and ſhall have a Vote in reſpect of every ſuch Share in the General and Special Aſſemblies

blies of the ſaid Company, to be held as herein-after directed, for carrying on the ſaid Undertaking, or any Thing relative thereto; which Vote ſhall or may be given by him, her, or them, or by his, her, or their Proxy or Proxies, (ſuch Proxy or Proxies being a Proprietor or Proprietors of One or more Share or Shares in the ſaid Undertaking), duly conſtituted under his, her, or their Hand or Hands; or in caſe of Infancy, under the Hand or Hands of his, her, or their Guardian or Guardians; or in caſe there ſhall be no ſuch legal Guardian or Guardians, then of his, her, or their next of Kin; and that every ſuch Vote by Proxy ſhall be as good and valid to all Intents and Purpoſes as if ſuch Principal or Principals had voted in Perſon; or being an Infant, had been of full Age; the Appointment of which Proxy ſhall and may be made according to the Form following; *(videlicet)*,

Votes may be given by Proxy.

'I *A. B.* One of the Proprietors (*or* we *A. B.* and *C. D.* Guardian or Guardians, or next of Kin, *as the Caſe may be*, of *A. B.* One of the Proprietors) of the *Somerſetſhire* Coal Canal Navigation, do hereby nominate and appoint *G. H.* to be my (*or* his or her) Proxy, in my (*or* his or her) Name, and in my (*or* his or her) Abſence, to vote or give my (*or* his or her) Aſſent or Diſſent to any Buſineſs, Matter, or Thing, relating to the ſaid Navigation and Undertaking, which ſhall be mentioned or propoſed at any Meeting or Meetings of the Proprietors of the ſaid Navigation and Undertaking, in ſuch Manner as he the ſaid *G. H.* ſhall think proper, according to his Opinion and Judgement, for the Benefit of the ſaid Navigation and Undertaking, or any Thing appertaining thereto. In Witneſs whereof, I (*or* we) have hereunto ſet my Hand (*or* our Hands) the Day of

Form of Appointment of Proxy.

And, that every Queſtion, Election of Committees and Officers, and other Matters and Things whatſoever, which ſhall be propoſed, diſcuſſed, or conſidered, in any General or Special Aſſembly of the ſaid Company of Proprietors to be held by virtue of this Act, ſhall be finally determined by the Majority of Votes and Proxies then preſent, computing One Vote to every Share as aforeſaid; and that at every ſuch Aſſembly One of the Proprietors preſent ſhall be appointed Preſident or Chairman, who ſhall not only have ſuch Vote or Votes as a Proprietor as aforeſaid, but ſhall alſo, in caſe of an equal Diviſion, have the deciſive or caſting Vote: Provided always, that no Perſon ſhall give or deliver any Vote or Votes as Proxy for more than Four abſent Proprietors.

Queſtions to be decided by a Majority of Votes.

The Chairman to have the caſting Vote.

No Perſon to vote as Proxy for more than Four Abſentees.

LXVIII. And be it further enacted, That if the ſaid Sum of Eighty thouſand Pounds, herein-before authorized to be raiſed, ſhall be found inſufficient for the making, carrying on, completing and maintaining the ſaid Navigation, Rail or Carriage Ways, or Stone Roads, Reſervoirs, and other Works, hereby authorized to be made, and all neceſſary Charges and Expences relating thereunto, then and in ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors, after an Order or Reſolution for that Purpoſe ſhall be made at any General or Special Aſſembly of the ſaid Company, to raiſe and contribute among themſelves, for the Purpoſes aforeſaid, any further Sum or Sums of Money, not exceeding in the Whole the Sum of Forty thouſand Pounds, or to admit any new Subſcribers or Proprietors in the ſaid Canal hereby authorized to be made, for Shares of One hundred Pounds each, in the ſaid Undertaking, not exceeding

If the 80,000 *l.* be not ſufficient, Company may raiſe 40,000 *l.* more by Calls upon themſelves, or admit new Subſcribers.

exceeding Forty Shares to any One Perſon as aforeſaid, for ſuch further or other Sum or Sums of Money; and every new Subſcriber towards raiſing ſuch further or other Sum or Sums of Money, ſhall become a Proprietor in the ſaid Undertaking, and have a like Vote by himſelf, or herſelf, or by his or her Proxy, in reſpect of every ſuch Share in the ſaid additional Sum ſo to be raiſed; and ſhall alſo ſtand intereſted in all the Profits and Powers of the ſaid Navigation, proportionably to the Sum and the Number of Shares he or ſhe may ſubſcribe thereto, 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 Eighty thouſand Pounds; and that ſuch further Sum or Sums of Money ſhall be raiſed by Calls, and ſhall be under and ſubject to ſuch and the ſame Rules, Orders, Regulations, Fines, and Forfeitures, as in and by this Act are mentioned, expreſſed, declared, and contained, with reſpect to the ſaid Eighty thouſand Pounds, as fully and effectually to all Intents and Purpoſes, as if ſuch further Sum or Sums hereby allowed to be raiſed, had originally conſtituted Part of the ſaid Eighty thouſand Pounds.

Intereſt to be paid until the Canal is completed:

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

Or the Company may borrow that Sum.

LXX. Provided always, and be it further enacted, That if the ſaid Company of Proprietors ſhall be deſirous of raiſing the ſaid additional Sum of Forty thouſand Pounds, or any Part thereof, by Mortgage of the ſaid Navigation and Undertaking, then and in ſuch Caſe it ſhall be lawful for the ſaid Company of Proprietors, purſuant to an Order or Reſolution to be made in that Behalf, at a General or Special Aſſembly of the ſaid Company, to borrow and take up at Intereſt the ſaid Sum of Forty thouſand Pounds, or any Part thereof, upon the Credit of the ſaid Navigation and Undertaking, as to them ſhall ſeem meet and convenient; and the ſaid Company of Proprietors are hereby accordingly fully authorized and empowered to grant, aſſign, and make over, the ſeveral Rates and Tolls granted to them by this Act, or any Part thereof, (the Coſts and Charges of which Aſſignment ſhall be paid out of ſuch Rates and Tolls), as a Security for the Sum or Sums of Money ſo to be borrowed, with Intereſt for the ſame, unto the Perſon or Perſons who ſhall lend and advance ſuch Sum or Sums of Money, or unto his, her, or their Truſtee or Truſtees, all which Aſſignments ſhall be made

under the Common Seal of the ſaid Company, 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 Navigation and Undertaking, incorporated by virtue of the ſaid Act, in Conſideration of the Sum of to us paid by *A. B.* of do hereby bargain, ſell, and aſſign, unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, all and ſingular the Rates and Tolls granted to us by the ſaid Act, and all the Eſtate, Right, Title, and Intereſt, of us the ſaid Company of Proprietors, of, in, to, or out of the ſame reſpectively, to hold unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of together with Intereſt for the ſame, after the Rate of *per Centum per Annum*, ſhall be fully paid and ſatisfied. Given under our Common Seal, the Day of' Form of Mortgage.

And that all and every Perſon and Perſons to whom ſuch Aſſignment ſhall be made, ſhall be equally entitled, one with the other, to the ſaid Rates and Tolls thereby aſſigned, in Proportion to the Sums by them reſpectively lent and advanced on the Credit thereof as aforeſaid, without any Preference by Reaſon of Priority of Date of any ſuch Aſſignment, or upon any other Account whatſoever; and that the Money ſo to be borrowed as aforeſaid, ſhall be applied and diſpoſed of, for carrying on, completing, and maintaining the ſaid Navigation, Rail or Carriage Ways and Stone Roads, and other Works hereby authorized to be made, and for carrying the ſeveral other Powers and Authorities hereby given into Execution. No Preference amongſt Mortgagees.

LXXI. And be it further enacted, That an Entry, or Memorial, of every ſuch Aſſignment or Mortgage as aforeſaid, containing the Date, Names of the Parties, and the Sum thereby ſecured, with the Rate of Intereſt to be paid for the ſame, ſhall be made or entered in a Book to be kept for that Purpoſe by the Clerk, or One of the Clerks to the ſaid Company of Proprietors, and that ſuch Book ſhall and may be peruſed *gratis*, at all ſeaſonable Times, by any of the Proprietors of the ſaid Undertaking, or any of the ſaid Commiſſioners; and that all and every Perſon and Perſons to whom any ſuch Aſſignment or Mortgage ſhall be made as aforeſaid, or who ſhall be entitled to the Money thereby ſecured, ſhall and may, from Time to Time, aſſign or transfer his, her, or their Right and Intereſt therein, unto any Perſon or Perſons whomſoever, either by Indorſement thereon, or otherwiſe, which Transfer ſhall and may be made, according to the Form following; (*videlicet*), Memorial of Mortgages to be entered.

Mortgages may be transferred.

'I *A. B.* do hereby transfer the within Mortgage (*or*, a certain Mortgage) made to me by the Company of Proprietors of the *Somerſetſhire* Coal Canal Navigation, bearing Date the Day of and the Principal Sum of thereby ſecured, and the Intereſt now due and hereafter to grow due for the ſame; and all my Right and Property therein, unto' Form of Transfer.

'unto *C. D.* of his Executors, Administrators,
'and Assigns. Dated this Day of

Memorial of Transfer to be entered.

And that every such Transfer shall, within Twenty-eight Days after the Date thereof, be produced to the Clerk, or One of the Clerks to the said Company of Proprietors, who shall cause an Entry or Memorial thereof to the same Purport and Effect herein-before directed, with respect to the original Assignment or Mortgage to be made, or entered in the Book to be kept for entering such original Assignments or Mortgages; and that after such Entry shall be made, but not before, such Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit of the original Mortgage.

Mortgages may be redeemed by the Company of Proprietors and called in by the Mortgagees on Notice.

LXXII. Provided always, and be it further enacted, That every Grant, Assignment, or Mortgage, which shall be made by virtue of this Act for any Sum of Money which shall be borrowed by the said Company of Proprietors, on the Credit of the said Tolls and Duties as herein-before is mentioned, shall be made liable or subject to, and may be redeemed by the said Company of Proprietors, at such Times, and in such Manner, as the said Company of Proprietors shall think fit, Six Calendar Months previous Notice having been given to the Person or Persons entitled to such Sum lent on the Credit of such Tolls and Duties by the said Company of Proprietors of their Intention of redeeming the same, and full Payment of the principal Sum so borrowed, and Interest after the Rate at which the same shall be so borrowed, being made to such Person or Persons; and he, she, or they, may and are authorized to call for the Payment thereof, as he, she, or they shall think fit, giving the like Notice to the said Company of Proprietors or their Clerk.

Interest of Mortgages to be paid before Dividends, and how to be removed.

LXXIII. Provided always, and be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid, shall be paid half-yearly to the several Persons entitled thereto in Preference to any Interest or Dividend which shall become due and payable by virtue of this Act to the said Company of Proprietors, and shall from Time to Time be fully paid and discharged, or provided for, before any such Interest or Dividends due to the said Proprietors shall be paid or made, and that in case such Interest, or any Part thereof, shall be behind and unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and have been demanded, then it shall and may be lawful to and for the said Commissioners assembled at a Meeting to be held as herein-before is mentioned, or the major Part of them so assembled, and they are hereby required on Application to them made by any Creditor or Creditors whose Interest shall be so in Arrear, by an Order under their Hands and Seals, to appoint One or more Person or Persons to receive the Whole or any Part or Parts of the said Rates and Tolls liable to pay such Interest; and that the Money so to be received by such Person or Persons shall be received to and for the Use and Benefit of the Person or Persons to whom such Interest in Arrear shall be due, and shall be paid to him, her, or them accordingly, until the Interest so in Arrear, as well as the Interest which shall incur and grow due whilst the Person or Persons so to be appointed as aforesaid shall be in Receipt

ceipt of ſuch Rates and Tolls, together with the Coſts and Charges of recovering, receiving, and paying over the ſame in Manner aforeſaid, ſhall be fully paid and ſatisfied; and that after all ſuch Intereſt and Coſts ſhall be paid and ſatisfied, the Power and Authority of ſuch Receiver or Receivers for the Purpoſes aforeſaid ſhall ceaſe and be at an End, or otherwiſe ſuch Intereſt ſo due and in Arrear as aforeſaid ſhall and may be ſued for and recovered, with Coſts of Suit, by an Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

General Aſſemblies of Proprietors.

LXXIV. And be it further enacted, That the Firſt General Aſſembly of the ſaid Company of Proprietors for putting this Act into Execution ſhall be held at the City of *Bath* upon the Third Day of *June* One thouſand ſeven hundred and ninety-four, at Eleven of the Clock in the Forenoon, and the Second General Aſſembly on the Firſt *Wedneſday* in the Month of *December* next, at Eleven of the Clock in the Forenoon, at the City of *Bath* aforeſaid; and the like General Aſſembly ſhall be held Twice in every Year, for the future, upon the Firſt *Wedneſday* in the Month of *June*, and the Firſt *Wedneſday* in the Month of *December*, at Eleven of the Clock in the Forenoon, or on ſome Day within Fourteen Days before or after each of the ſaid Days, and at ſuch Houſe or Place in the City of *Bath* aforeſaid as ſhall be agreed upon at the next preceding General Aſſembly; and that at ſuch Firſt General Aſſembly, and alſo at every ſubſequent General Aſſembly to be held upon the Firſt *Wedneſday* in the Month of *June* yearly, the ſaid Company of Proprietors, or ſuch of them as ſhall be ſo aſſembled, together with ſuch Proxies as ſhall be then preſent, ſhall make Choice of Twenty-four Perſons, reſident in the County of *Somerſet*, or the City of *Briſtol*, being reſpectively Proprietors of Five or more Shares in the ſaid Undertaking, to be a Committee of Management to manage the Affairs of the ſaid Company, in ſuch Manner as herein-after directed, until another Committee or other Committees ſhall be appointed: Provided always, that no Perſon holding any Place, Office, or Employment, under the ſaid Company of Proprietors, ſhall be capable of being choſen to ſerve upon any Committee, during the Time of his continuing in ſuch Place, Office, or Employment: Provided alſo, that any Eight or more Perſons of ſuch Committee ſhall be capable of tranſacting Buſineſs in the ſame Manner as if the whole Twenty-four Perſons ſo to be choſen to be a Committee were preſent.

Committee to be choſen.

Appointment of Officers.

LXXV. And be it further enacted, That it ſhall be lawful for the ſaid Proprietors aſſembled at any ſuch General Aſſembly as aforeſaid, together with ſuch Proxies as ſhall be then preſent, and they are hereby required, from Time to Time, to nominate and appoint a Treaſurer or Treaſurers reſiding in the ſaid County of *Somerſet*, and One or more Clerk or Clerks, and ſuch Collectors of the Rates and Tolls herein-after granted, and other Officers, as they ſhall think proper and expedient, and to take ſuch ſufficient Security from ſuch Treaſurers, Collectors, and other Officers, having the Care or Cuſtody of any Money to be raiſed or received by virtue of this Act, as they ſhall think fit, and from Time to Time to remove any ſuch Treaſurers, Clerks, Collectors, or other Officers; and in caſe any ſuch Treaſurer or Clerk, ſo to be appointed as aforeſaid, ſhall die, or ſhall quit the Service of the ſaid Company, it ſhall be lawful for ſuch Committee to appoint ſome other fit Perſon or Perſons in

Committee may appoint temporary Treaſurer or Clerk.

the Place of the Treaſurer or Clerk ſo dying, or quitting the Service of the ſaid Company, until the then next General Aſſembly of Proprietors, when ſuch Agreement may be confirmed, or ſome other Perſon or Perſons may be nominated and appointed in his Stead; and that all ſuch Treaſurers, Clerks, Collectors, and other Officers of the ſaid Company, who ſhall or may at any Time be removed or quit the Service of the ſaid Company, and the reſpective Executors and Adminiſtrators of any who may die, ſhall immediately thereupon produce and deliver up to ſuch Committee or Committees reſpectively as aforeſaid, or any Three or more of them, all Books, Accounts, Papers, and Writings whatſoever, which ſhall be in their reſpective Cuſtody or Power in anywiſe relating to the Affairs of the ſaid Company; and every ſuch Officer or other Perſon as aforeſaid, who ſhall neglect or refuſe to deliver up ſuch Books, Accounts, Papers, and Writings, or any of them, ſhall forfeit and pay unto the ſaid Company of Proprietors any Sum not exceeding One hundred Pounds; and that it ſhall be lawful for the ſaid Company of Proprietors at any ſuch General Aſſembly as aforeſaid, to call for, audit, and ſettle, all Accounts of Money received, paid, laid out, and diſburſed, on Account of the ſaid Navigation and Undertaking, by the Treaſurers, Collectors, and other Officers to be appointed by them as aforeſaid, or by any other Perſon or Perſons employed by or concerned for or under the ſaid Company, in and about the ſaid Navigation and Undertaking up to that Time, and for that Purpoſe to adjourn themſelves from Time to Time, and from Place to Place, within the ſaid County of *Somerſet*, as ſhall be thought expedient by the Perſons preſent at ſuch Aſſembly, having, either as Principals or Proxies, a Majority of Votes; and the Accounts of the Treaſurers to the ſaid Company ſhall or may be conſtantly audited, examined, and ſettled, every Three Months, or at every ſuch General Aſſembly or Adjournment, or as often as ſuch Committee ſhall think proper.

Officers when to deliver up Books of Accounts.

General Aſſemblies may audit and ſettle Accounts.

Treaſurers Accounts to be ſettled every Three Months.

General Meetings or Committees may make Calls.

LXXVI. And be it further enacted, That every ſuch General Aſſembly as aforeſaid, or the Committee, of the ſaid Company, ſhall have full Power and Authority, from Time to Time, to make ſuch Call or Calls for Money from the ſeveral Proprietors of the ſaid Navigation and Undertaking, to defray the Expences of, or to carry on the ſame, as they ſhall, from Time to Time, find wanting and neceſſary for thoſe Purpoſes, ſo that no ſuch Call do exceed the Sum of Ten Pounds, for or in reſpect of any One Share of One hundred Pounds, and ſo that no ſuch Calls be made but at the Diſtance of Two Calendar Months at leaſt from each other, which Money ſo to be called for ſhall be paid into the Hands of the Treaſurers of the ſaid Company, to be iſſued, paid, and applied, in ſuch Manner as any ſuch General Aſſembly or the Committee reſpectively ſhall, from Time to Time, appoint and direct, for the Uſe of the ſaid Undertaking; and that every ſuch General Aſſembly as aforeſaid ſhall always have full Power and Authority to remove or diſplace any Perſon or Perſons choſen to be of any ſuch Committee as aforeſaid, and to elect others, qualified as aforeſaid, to be of the Committee in the Room of thoſe who ſhall be ſo removed or diſplaced, and of thoſe who may happen to die; and alſo to revoke, alter, amend, or change, any of the Rules or Regulations herein preſcribed and laid down with regard to their Proceedings amongſt themſelves, as to them ſhall ſeem meet, (the Method, Time, and Place, of holding and calling General and Special Aſſemblies and

General Aſſembly may remove any of the Committee, and appoint others;

and Adjournments thereof, and of voting and of appointing Committees, and the Appointment of Treaſurers, and the Directions hereby given as to the Places of holding the Meetings of the Committees, excepted), and ſhall alſo have full Power and Authority to make ſuch new Rules, Orders, Bye Laws, and Regulations, for the good Government of the ſaid Company, and for the good and orderly carrying on, completing, maintaining, and uſing, of the ſaid Canal and Rail or Carriage Ways or Stone Roads, and the Wharfs, Warehouſes, Paſſages, Locks, Tunnels, and other Things, which ſhall be made or provided for or on Account of the ſame; and of and concerning all Veſſels, Boats, Barges, Floats, Waggons, Carriages, Goods, and Commodities, which ſhall be navigated, drawn, or conveyed thereon reſpectively; and alſo for the well governing of the Bargemen, Watermen, Boatmen, Waggoners, and others, who ſhall carry and convey any Goods, Wares, or Merchandize, upon any Part of the ſaid Canal or Rail or Carriage Ways or Stone Roads; and, from Time to Time, to alter or repeal ſuch Rules, Orders, Bye Laws, and Regulations, or any of them, and to make others, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons offending againſt the ſame, as to ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Five Pounds for any One Offence; which Rules, Orders, Bye Laws, and Regulations, being reduced into Writing, under the Common Seal of the ſaid Company, ſhall be binding upon and be obſerved by all Parties; and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame, provided they be not repugnant to the Laws of the Realm, or any of the expreſs Directions of this Act.

and may make Bye Laws.

LXXVII. Provided always, and be it further enacted, That if at any ſuch General Aſſembly as aforeſaid, there ſhall not happen to be preſent ſo many Proprietors as ſhall be entitled to vote, either as Principals or Proxies, for or in reſpect of Four hundred and ten Shares in the ſaid Navigation, no Choice of a Committee, or Removal of any Perſon or Perſons from the Committee, or Election of any Perſon or Perſons in the Room of any of the Committee who ſhall be dead, ſhall be made at that Time; but in every ſuch Caſe ſuch General Aſſembly ſhall be adjourned to, and be held at the ſame Place upon that Day Three Weeks, and ſo, from Time to Time, until ſo many Proprietors ſhall be preſent as ſhall be entitled to vote in reſpect of ſuch Number of Shares as aforeſaid, and ſuch Choice ſhall then be made of Perſons to be of the Committee as ought to have been made on the Day herein-before appointed for holding ſuch General Aſſembly, in caſe there had been a ſufficient Number of Proprietors preſent, and the Perſons then choſen to be of the ſaid Committee ſhall have the ſame Power as they would have had, and continue in ſuch Office until ſuch Time as they would have done, had they been choſen on the Day herein-before appointed for holding ſuch General Aſſembly, and of which ſaid Adjournment or Adjournments there ſhall be Fourteen Days previous Notice at leaſt inſerted in ſome *London* Evening Newſpaper, and alſo in One or more *Bath* and *Briſtol* Newſpapers; and that if there ſhall not be preſent at ſuch adjourned General Meeting as aforeſaid, by Two of the Clock in the Afternoon, ſo many Proprietors as ſhall be entitled to vote either as Principals or Proxies, for and in reſpect of Four hundred and ten Shares as aforeſaid, then, and in ſuch Caſe, every Proprietor who ſhall not be preſent on any Day to which ſuch General Aſſembly

General Aſſemblies not to chooſe Committee, unleſs there are preſent 410 Votes.

Penalty on Proprietors not preſent at the next Aſſembly after an Adjournment for Want of ſufficient Number of Votes.

bly ſhall be adjourned as aforeſaid, either in Perſon or by Proxy, ſhall forfeit to the ſaid Company of Proprietors, for and in reſpect of every Share which he or ſhe ſhall have in the ſaid Navigation and Undertaking, the Sum of Five Shillings, to be ſtopped or deducted out of the next Payment of Intereſt, or Dividend of the Profits of the ſaid Undertaking, as the Caſe may happen.

Power of the Committee.

LXXVIII. And be it further enacted, That the Committee of the ſaid Company of Proprietors ſo to be choſen as aforeſaid, ſhall, from Time to Time, have full Power and Authority to direct and manage all and ſingular the Affairs and Buſineſs of the ſaid Company, as well as in contracting for and purchaſing Lands and Materials for the Uſe of the ſaid Navigation, as in the ordering, directing, and employing the Works and Workmen, and in placing and diſplacing Under Agents and Servants; and in making all Contracts and Bargains touching or in anywiſe concerning the ſaid Undertaking; and for that Purpoſe ſhall and may meet every Three Months, or oftener, at the City of *Bath*, or at ſuch other Place or Places in the ſaid County of *Somerſet* as they may think proper, and may adjourn themſelves, from Time to Time, and from Place to Place, as Occaſion may require; but that in making all Contracts and Purchaſes relating to Lands or other Real Property, and in the Conduct of all Works and other Matters and Things ariſing within either of the ſaid Counties, ſuch Committee ſhall meet at ſome Place within ſuch County wherein the ſame ſhall happen to be; and in order to defray the Expences of the Meetings of the Committees, it ſhall be lawful for ſuch Committee to expend or detain a reaſonable Sum of Money out of the Stock of the ſaid Company: Provided always, that the Treaſurer or Treaſurers of the ſaid Company ſhall not iſſue any Sum or Sums of Money on Account of the ſaid Company without an Order ſigned by the Majority of the Committee preſent at ſome ſuch Meeting; and at all Meetings of the ſaid Committee, One of the Perſons compoſing the ſame ſhall be appointed Preſident or Chairman, and all Queſtions, Matters, and Things, which ſhall be propoſed, diſcuſſed, or conſidered, at ſuch Meetings, ſhall be finally decided and determined by the Majority of Votes; but no Member of ſuch Committee, although he may be a Proprietor of many Shares in the ſaid Undertaking, ſhall have more than One Vote in the ſaid Committee, except the Preſident or Chairman, who, in caſe of an equal Diviſion, ſhall always have the caſting Vote; and in caſe of any Difference or Diſpute in the Choice of ſuch Preſident, the ſame ſhall be determined by Ballot.

No Buſineſs to be done at any Meeting of Committee, unleſs Five Members preſent.

All Queſtions to be decided by Majority.

Committee of Management may appoint a Sub-Committee.

LXXIX. And, in order that the ſaid Navigation and Undertaking may be conducted and carried on as expeditiouſly as may be, and that the Intereſts and Buſineſs of the ſaid Company of Proprietors may be properly attended to; be it further enacted, That it ſhall be lawful for the Committee of Management for the Time being, at any ſuch General Meeting as aforeſaid, to nominate and appoint out of their own Body, One or more Sub-committee or Sub-committees, (every ſuch Sub-committee to conſiſt of Three or more Perſons), with full Power and Authority to enter into and make any ſuch Contracts or Agreements on Behalf of the ſaid Company of Proprietors as aforeſaid; and to hire and employ any Agents, Workmen, or Servants, in and about the ſaid Undertaking; and to do, execute, and perform, all other Matters and Things whatſoever,

ſoever, in and about the ſaid Navigation and Undertaking, which the ſaid Committee of Management are themſelves herein-before authorized to do, or ſuch of them as the ſaid Committee of Management ſhall think proper to entruſt to the Care and Management of any ſuch Sub-committee or Sub-committees, ſave and except nevertheleſs the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and ſettling of the Accounts of the Treaſurer or Treaſurers, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the making Calls for Money upon the Proprietors of the ſaid Undertaking, all which ſhall be done by the ſaid Committee of Management only, as herein-before is directed; and it ſhall alſo be lawful for the ſaid Committee of Management for the Time being, by an Order or Reſolution for that Purpoſe, at any General Meeting of ſuch Committee, to break up and diſſolve any ſuch Sub-committee or Sub-committees, or to remove and diſplace any Member or Members thereof, and appoint ſome other or others in his or their Place and Stead, when and as often as ſuch Committee of Management ſhall think proper and expedient; and ſuch Sub-committees ſhall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they ſhall think proper, and as Occaſion ſhall require, for effectuating the Purpoſes aforeſaid; and all Powers and Authorities hereby veſted, or which ſhall by the ſaid Committee of Management for the Time being be veſted in ſuch Sub-committee reſpectively, within the Intent and Meaning of this Act, ſhall and may be exerciſed by the major Part of the Members preſent at their reſpective Meetings, the whole Number of Members preſent not being leſs than Three; and at all Meetings of ſuch Sub-committees reſpectively, One of the Members preſent ſhall be appointed Preſident or Chairman, and all Queſtions ſhall be decided by the Majority of Votes, and the Preſident or Chairman ſhall have the Caſting Vote in caſe of an equal Diviſion; but no other Member ſhall have more than One Vote.

Special Aſſemblies may be called:

LXXX. And be it further enacted, That if it ſhall at any Time appear to any Five or more of any ſuch Committee as aforeſaid, or to any Thirty or more of the Proprietors at large, who ſhall be poſſeſſed of Five or more Shares each in the ſaid Undertaking, that, for the more effectually putting this Act in Execution, or any Thing relating to the ſaid Canal or Undertaking, a Special Aſſembly of Proprietors is neceſſary to be had, it ſhall be lawful for any Five or more of the ſaid Committee, or ſuch Thirty or more of the Proprietors at large, poſſeſſed of Five Shares each as aforeſaid, to call ſuch Special Aſſembly, cauſing Notice thereof to be given in One or more Newſpaper or Newſpapers, publiſhed in the Cities of *London*, *Bath*, and *Briſtol*, or in ſuch other Manner as the ſaid Company of Proprietors ſhall, at any General Aſſembly direct or appoint, declaring in ſuch Notice the Place where, and the Time when, ſuch Special Aſſembly ſhall be held; the Place to be within ſuch of the ſaid Counties of *Somerſet* and *Wilts* reſpectively, where the Cauſe of ſuch Meeting, if within either of the ſaid Counties only, ſhall ariſe, and the Time to be not leſs than Fourteen Days after ſuch Notice given, and alſo ſpecifying in ſuch Notice the Reaſon for holding the Meeting; and that it ſhall be lawful for the ſaid Company of Proprietors to meet purſuant to ſuch Notice, and proceed to the Execution of the Powers

Their Powers.

given them by this Act, with reſpect to the Matters ſpecified in ſuch Notice only; and that all Acts of the ſaid Company of Proprietors at ſuch Special Aſſemblies, with reſpect to ſuch Matters, ſhall be as valid to all Intents and Purpoſes as if the ſame were done at any General Meeting, to be held in the Manner herein-before appointed.

Committees ſubject to the Controul of the Aſſemblies.

LXXXI. And be it further enacted, That every Committee ſo to be choſen or appointed as aforeſaid, ſhall from Time to Time be ſubject to the Examination and Controul of ſuch General and Special Aſſemblies of the ſaid Company of Proprietors as aforeſaid, and ſhall pay due Obedience to all ſuch Orders and Directions in and about the Affairs and Buſineſs of the ſaid Company, as they ſhall from Time to Time receive from any ſuch General or Special Aſſembly, ſo that ſuch Orders and Directions be not contrary to the expreſs Directions, Regulations, or Proviſions, contained in this Act.

Proprietors to pay their Shares of the Money called for at the Time and Place appointed; or in Default they may be recovered by Action.

LXXXII. And be it further enacted, That every Proprietor of a Share or Shares in the ſaid Navigation and Undertaking, ſhall from Time to Time pay his or her Share and Proportion of the Money ſo to be called for as herein-before is mentioned, at ſuch Time and Place as ſhall be appointed for that Purpoſe by the General Aſſembly or Committee, making ſuch Call of which One Calendar Month's Notice ſhall be given in One or more of the *London*, *Bath*, and *Briſtol*, Newſpapers, or in ſuch other Manner as the ſaid Company of Proprietors ſhall at any General Aſſembly direct and appoint in that Behalf; and that if any Perſon ſhall neglect or refuſe to pay his or her proportionable Part or Share of the Money ſo to be called for as aforeſaid, at the Time and Place which ſhall be appointed for that Purpoſe, in Manner aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors, in caſe they ſhall ſo think fit, to ſue for and recover the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*, by Action of Debt, or on the Caſe, with full Coſts of Suit; and in caſe any ſuch Perſon ſhall neglect or refuſe to pay his or her proportionable Part or Share of the Money ſo to be called for as aforeſaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforeſaid, and the ſame ſhall not have been ſued for by the ſaid Company as aforeſaid, or if ſued for ſhall not have been recovered by them, then and in ſuch Caſe the Perſon ſo neglecting or refuſing ſhall abſolutely forfeit all his or her Share, Part, and Intereſt, in the ſaid Undertaking, and all Profit and Advantage thereof, and all Money theretofore advanced by him or her on Account thereof, to and for the Uſe and Benefit of the other Proprietors of the ſaid Undertaking; and all Shares which ſhall or may be forfeited ſhall or may be ſold at a publick Sale by the ſaid other Proprietors for the moſt Money that can be gotten for the ſame, and the Produce thereof ſhall be divided amongſt them, in Proportion to their reſpective Shares and Intereſt in the ſaid Navigation and Undertaking: Provided always, that no Advantage ſhall be taken of ſuch Forfeiture of any Share in the ſaid Navigation and Undertaking as aforeſaid, until after Perſonal Notice ſhall be given by the Treaſurer or Clerk of the ſaid Company of Proprietors to the Owner thereof, or until Notice in Writing, ſigned by ſuch Treaſurer or Clerk, ſhall be left at his or her uſual or laſt Place of Abode, nor unleſs the ſame ſhall be declared to be forfeited at the Firſt General Aſſembly of the ſaid Company of Proprietors, which ſhall be

Shares not to be forfeited without Notice.

be held next after ſuch Forfeiture ſhall happen: Provided alſo, that every ſuch Forfeiture, after the ſame ſhall be taken Advantage of by the Reſt of the ſaid Company of Proprietors as aforeſaid, ſhall be an abſolute Indemnification and Diſcharge to and for the Proprietor ſo forfeiting againſt all Actions, Suits, and Proſecutions, for any Breach of Contract or other Agreement between ſuch Proprietor and the Reſt of the ſaid Company with Regard to the future carrying on and Management of the ſaid intended Navigation and Undertaking.

Forfeiture of Shares to be an Indemnity to the Perſon forfeiting.

LXXXIII. And be it further enacted, That if the Proprietor of any Share or Shares in the ſaid Navigation and Undertaking ſhall die before Payment ſhall have been made by him or her of the full Sum to be called for and advanced as aforeſaid, upon or in reſpect of each Share which he or ſhe ſhall have been poſſeſſed of or entitled to, without having made Proviſion by Will or otherwiſe how ſuch Share or Shares ſhall be diſpoſed of, and how the future Calls in reſpect thereof ſhall be anſwered, then and in ſuch Caſe the Executors or Adminiſtrators of ſuch Proprietor, and the Truſtee or Truſtees, Guardian or Guardians, of any Infant, or any other Perſon entitled to the Eſtate and Effects of ſuch Proprietor, ſhall be indemnified againſt ſuch Infant, and all other Perſons whomſoever, for paying any Money, when called for as aforeſaid, to complete every ſuch Subſcription; and if ſuch deceaſed Proprietor ſhall not have left Aſſets ſufficient, or in caſe any ſuch Executor or Adminiſtrator, Truſtee or Guardian, ſhall refuſe or neglect to anſwer ſuch Calls and Payments, the ſaid Company of Proprietors ſhall be, and are hereby authorized and required to admit any other Perſon or Perſons to be a Proprietor or Proprietors of the Share or Shares of ſuch deceaſed Proprietor, on Condition that he, ſhe, or they, ſo admitted, do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Proprietor, or the Truſtee or Truſtees, Guardian or Guardians, of any Infants or others entitled to his or her Effects, the full Money which ſhall have been paid by ſuch deceaſed Proprietor in his or her Life-time, in conſequence of any Call or Calls, or otherwiſe, upon or in reſpect of ſuch Share or Shares, or ſo much Money as the ſame can be ſold for.

On Death of Subſcribers before their Subſcriptions are completed, Executors may complete the ſame.

In caſe of Refuſal or Want of Aſſets, the Company may admit other Perſons to ſuch Shares.

LXXXIV. And be it further enacted, That it ſhall be lawful for the ſeveral Proprietors of the ſaid Navigation and Undertaking, or any or either of them, to ſell and diſpoſe of any Share or Shares which they ſhall reſpectively be entitled to therein, in Manner and ſubject to the Rules and Conditions herein mentioned; and for that Purpoſe, Duplicates of the Deed of Bargain and Sale, or Transfer of ſuch Share or Shares, ſhall be executed by every Vendor and Vendee, and One Part thereof ſo executed ſhall be delivered to the Clerk or One of the Clerks to the ſaid Company, to be filed and kept for the Uſe of the ſaid Company, and an Entry thereof made in a Book to be kept by ſuch Clerk or Clerks for that Purpoſe, for which no more than Two Shillings and Sixpence ſhall be paid; and the ſaid Clerk is hereby required to make ſuch Entry accordingly; and until the Duplicate of the Deed ſhall be ſo delivered to the Clerk as aforeſaid, the Purchaſer or Purchaſers ſhall have no Part or Share of the Profits of the ſaid Navigation and Undertaking, nor any Intereſt paid to him, her, or them, for or in reſpect of ſuch

Shares may be ſold.

such Share or Shares so purchased, nor be entitled to vote as a Proprietor or Proprietors of the said Navigation or Undertaking.

No Share to be sold after a Call, till the Call be answered.

LXXXV. Provided always, That after any Call of such Money shall be made by a General Assembly of the said Company of Proprietors, or by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they, shall then have in the said Navigation and Undertaking, until the Monies so called for upon his, her, or their Share or Shares intended to be sold shall be paid; and every Person or Persons making Default therein, shall forfeit such his, her, or their Share or Shares in the said Navigation and Undertaking, to and for the Benefit of the Rest of the said Proprietors, unless he, she, or they shall, at the Time of such Sale or Transfer, pay the Money called for upon every Share so sold or transferred to the Treasurer to the said Company of Proprietors; such Forfeiture nevertheless to be first notified and declared in a General Assembly in the Manner herein-before directed with respect to the Forfeiture of Shares for not answering the Calls made thereon as aforesaid.

Form of Conveyance of Shares on a Sale.

LXXXVI. And be it further enacted, That every Bargain and Sale, or Transfer, of the said Shares, shall be according to the Form following; *videlicet*,

'I *A. B.* in Consideration of
'paid to me by *C. D.* of do hereby
'bargain, sell, and transfer, to the said *C. D.* his Executors, Administra-
'tors, and Assigns, Share (*or* Shares) in the *Somersetshire*
'Coal Canal Navigation, being Number of the Shares in
'the said Navigation, to hold to the said *C. D.* his Executors, Administra-
'tors, and Assigns, subject to the same Rules and Orders, and on the
'same Conditions, that I held the same immediately before the Execution
'hereof; and I the said *C. D.* do hereby agree to accept of the said
'Share (*or* Shares) subject to the same Rules, Orders, and Conditions.
'Witness our Hands and Seals, the Day of

Proof to be given of Title to Shares acquired by Marriage, or by Will, or Letters of Administration.

LXXXVII. And whereas many Inconveniencies may arise by the frequent Transfer of Shares in the said Navigation and Undertaking by the Marriage and Death of Proprietors, and it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore enacted, That before any Person who shall claim any Part or Share of the Profits of the said Navigation and Undertaking by virtue of his Marriage shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person before a Judge of One of His Majesty's Courts of Record at *Westminster*, or before a Master or a Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to One of the Clerks to the said Company, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by him for the entering of Transfers of Shares in the said Navigation and Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Navigation and Undertaking

taking by virtue of any Bequeſt or Will, or of any Letters of Adminiſtration, ſhall be entitled to receive the ſame, the ſaid Will or the Probate thereof, or ſuch Letters of Adminiſtration, ſhall be produced and ſhewn to the ſaid Clerk to the ſaid Company, or an Affidavit containing a Copy of ſo much of ſuch Will as ſhall relate to the Share or Shares of the ſaid Teſtator or Teſtatrix, or a Copy of the ſaid Letters of Adminiſtration, in caſe the ſaid Proprietor ſhall have died inteſtate, ſhall be made and ſworn to by the Executor or Executors of ſuch Will, or by the Adminiſtrator or Adminiſtrators of the Eſtate and Effects of the Proprietor dying inteſtate, as the Caſe may happen to be, before a Judge of One of His Majeſty's Courts of Record at *Weſtminſter*, a Maſter or Maſter Extraordinary in Chancery, or One of His Majeſty's Juſtices of the Peace, and ſhall be tranſmitted to the Clerk or One of the Clerks to the ſaid Company, who ſhall file and enter the ſame in Manner aforeſaid.

Clerk to the Company to keep an Account of the Names and Proceedings of Proprietors;

LXXXVIII. And be it further enacted, That the Clerk or Clerks to the ſaid Company of Proprietors ſhall, from Time to Time, enter and keep in a Book or Books, to be provided for that Purpoſe, a true and perfect Account of the Names and Places of Abode of the ſeveral Proprietors of the ſaid Navigation and Undertaking for the Time being, and of the ſeveral Perſons who ſhall or may from Time to Time become Owners and Proprietors of, or be entitled to any Share or Shares therein, and of all the Acts, Tranſactions, and Proceedings, of the ſaid Company of Proprietors, and of ſuch Committee as aforeſaid, in the Execution of this Act; and that every Proprietor of any Share in the ſaid Navigation and Undertaking ſhall and may at all convenient Times have Recourſe to, and peruſe and inſpect ſuch Book or Books, as well as the Book to be kept by the Clerk to the ſaid Commiſſioners *gratis*, and ſhall and may demand, and have Copies thereof reſpectively, or any Part thereof, paying after the Rate of Sixpence for every One hundred Words ſo to be copied; and that if any ſuch Clerk ſhall refuſe to permit any of the Proprietors to inſpect or peruſe any ſuch Book, or refuſe in any reaſonable Time to make any ſuch Copy at the Rate aforeſaid, he ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds to the Proprietor or Proprietors to whom he ſhall make ſuch Refuſal.

and Proprietors may inſpect the ſame.

Company empowered to take Tonnage.

LXXXIX. And be it further enacted, That, in Conſideration of the great Coſts, Charges, and Expences, which the ſaid Company of Proprietors will be at in making and maintaining the ſaid Canal, and Rail or Carriage Roads or Stone Roads, and other Works hereby authorized to be made and erected, it ſhall be lawful for the ſaid Company of Proprietors from Time to Time, and at all Times for ever, to aſk, demand, take, and receive, to and for their own Uſe and Benefit, for the Tonnage and Wharfage of all Coal, Iron, Coak, Iron Stone, Iron Ore, Lead Ore, Lime Stone, Freeſtone, and other Stone, Timber, and other Goods, Wares, Merchandize, and Things whatſoever, which ſhall be navigated, carried, or conveyed upon, through, or over, the ſaid intended Canal, and Rail or Carriage Ways or Stone Roads, except as herein is excepted, or any Part thereof reſpectively, ſuch Rates as ſhall be fixed by the ſaid Company of Proprietors at any General Aſſembly to be holden as aforeſaid, not exceeding the reſpective Sums herein-after mentioned; (that is to ſay),

Rates of Tonnage.

For all Coal, Culm, and Coak, which ſhall be navigated, carried, or conveyed upon the ſaid Canal, the Sum of Two-pence Halfpenny *per* Ton *per* Mile:

For all Iron Stone, Iron Ore, Lead Ore, Calamine, and other Minerals, Iron, Lead, and Cinders, which ſhall be navigated, carried, or conveyed upon the ſaid Canal, or Rail or Carriage Ways or Stone Roads, or any Part thereof, the Sum of Four-pence *per* Ton *per* Mile; and ſo in Proportion for any greater or leſs Quantity than a Ton, or greater or leſs Diſtance than a Mile, (except as herein-after is excepted):

For all Lime, Lime Stone, Freeſtone, Tiles, Slate, Gravel, Bricks, Timber, Flag Stones, and other Stones, Clay and Sand, which ſhall be navigated, carried, or conveyed upon the ſaid Canal, or Rail or Carriage Ways or Stone Roads, or any Part thereof, the Sum of Three-pence *per* Ton *per* Mile:

For all Cattle, Sheep, Swine, and other Beaſts, which ſhall be carried or conveyed on the ſaid Canal, the Sum of Four-pence *per* Ton *per* Mile:

And for all other Goods, Wares, Merchandize, and other Things whatſoever, not before ſpecified, which ſhall be navigated, carried, or conveyed upon the ſaid Canal, or Rail or Carriage Ways or Stone Roads, or any Part thereof, the Sum of Four-pence *per* Ton *per* Mile; which ſaid reſpective Rates ſo to be fixed as aforeſaid, ſhall be equal through the whole Length of the ſaid Canal, and Rail or Carriage Ways or Stone Roads, except as herein-after mentioned.

Canal and Railways to be meaſured, and Stones to be erected every Half Mile.

XC. And be it further enacted, That as ſoon as conveniently may be after the ſaid Canal, and Rail or Carriage Ways or Stone Roads, hereby authorized to be made as aforeſaid, ſhall be completed, the ſaid Company of Proprietors ſhall cauſe the ſame reſpectively to be meaſured, and Stones or Poſts to be erected, and for ever afterwards maintained, on the Side or Sides thereof, at the Diſtance of Half a Mile from each other, with proper and legible Marks denoting the Diſtance from ſuch Places as ſhall be thought proper.

Tolls to be paid for a full Half Mile, and for a full Quarter of a Ton.

XCI. Provided nevertheleſs, That in all Caſes where any Boat, Barge, or other Veſſel, Waggon, or other Carriage, ſhall be navigated or paſs by any Poſt or Mark, or Place where ſuch Poſt or Mark ſhall have ſtood or been fixed on the Side of the ſaid Canal, or Rail or Carriage Ways or Stone Roads, deſcribing and regulating the Length of Half a Mile, the ſaid Rates ſhall be paid for a full Half Mile, although ſuch Boat, Barge, or other Veſſel, Waggon, or other Carriage, ſhall not have actually paſſed the full Half Mile; and that in all Caſes where the Weight of the Lading contained in any ſuch Boat, Barge, or other Veſſel, Waggon, or other Carriage, ſhall not make up an even Quarter of a Ton, yet the ſaid Rates which would be payable for a full Quarter of a Ton ſhall be paid to the ſaid Company for ſuch leſs Quantity.

Exemption from Tonnage for Coals and Coak, paſſing on Rail Roads to the Canal.

XCII. Provided, That notwithſtanding any Thing herein contained, it ſhall and may be lawful to and for the Proprietor or Proprietors of any Coal Work or Coal Works in any or either of the ſaid Pariſhes before mentioned, (and to which any Rail or Carriage Way or Stone Road ſhall be made as aforeſaid), to convey the Coal, to be raiſed from

from such Coal Work or Coal Works, and any Coak to be made therefrom, to the said Canal, on, upon, or down, such Rail or Carriage Way or Stone Road, without paying any Rates, Duties, or Compensation, to the said Company of Proprietors for the same, provided the Waggons or Carriages to be used and employed in conveying such Coals or Coak down such Rail or Carriage Way or Stone Road be made and constructed agreeable to the Direction of some Committee to be appointed as herein mentioned.

Company empowered to take Tolls for Horses and Cattle passing on Railways, except such as are going from Field to Field.

XCIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time, and at all Times, for ever, to ask, demand, take, and receive, to and for their own proper Use and Benefit, the several Tolls following; (that is to say),

For every Horse, Mare, Gelding, Mule, or Ass, not employed in carrying or removing any Waggon, or other Carriage, for the Purpose of conveying Coal or Coak from the said Coal Works to the said Canal, which shall go or travel upon any such Rail or Carriage Way or Stone Road as aforesaid, and shall pass through or by any Stop Gate or other Gate, or Toll House, to be erected upon or across the same by the said Company of Proprietors, and which they are hereby authorized and empowered to set up and erect, and before such Horse, Mare, Gelding, Mule, or Ass, shall be permitted to pass through or by the same, the Sum of One Penny, (except such as are going from Field to Field only):

For all Cows or other Neat Cattle (except Sheep, Swine, and Calves) which shall or may go or be driven upon any such Rail or Carriage Way or Stone Road, and shall pass through or by any such Stop Gate or other Gate or Toll House as aforesaid, and before such Cows or other Neat Cattle shall be permitted to pass through or by the same, the Sum of One Halfpenny each, (except such as are going from Field to Field only):

And for all Sheep, Swine, and Calves, which shall go or be driven on any such Rail or Carriage Way or Stone Road, and shall pass through or by any such Stop or other Gate or Toll House as aforesaid, and before the same shall be permitted so to pass, the Sum of Five-pence *per* Score, and after the same Rate for any greater or less Number than a Score, (except such as are going from Field to Field only).

Collectors of Tolls to deliver Tickets.

XCIV. Provided always, and be it further enacted, That the Collectors or other Persons appointed by the said Company to receive the said Tolls shall, on Payment thereof, give and deliver to the Person or Persons paying the same a Ticket, specifying the Day when, and the Number of Horses or other Beasts or Cattle for which the same shall be paid; and that such Tolls shall not be demanded or taken, or be payable more than Once in any One Day, upon each Line of Rail or Carriage Way or Stone Road (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for the same Horse, Mare, Gelding, Mule, Ass, Cow, or other Cattle, which shall pass or repass through or by all or any of the Stop Gates or other Gates or Toll Houses to be erected upon or across each distinct Rail or Carriage Way or Stone Road, so that the Person or Persons who shall be attending such Horse, Mare, Gelding, Mule, Ass, Cow, or other Cattle, do and shall produce to the Collectors or other Persons appointed by the said Company to receive such

Tolls payable but Once a Day.

such Tolls, at every such Stop Gate or other Gate or Toll House, through or by which the same shall pass or repass, if demanded, the Ticket which he or they shall have received at the Stop Gate or other Gate or Toll House on the same Rail or Carriage Way or Stone Road, at which he or they shall have already paid such Toll.

5l. per Cent. of the clear Profits to be invested in Government Securities, as a Fund for Repairs, till same shall amount to 1000*l.*

XCV. And be it further enacted, That Five Pounds *per Centum* on the net and clear Annual Profits arising to the said Company of Proprietors from the said Rates, Tolls, and Duties, or otherwise, by virtue of this Act, shall be deducted out of such Profits, and paid annually into the Hands of the Treasurer of the said Company for the Time being, to be by him forthwith invested in Government Securities, which shall be applied and disposed of at such Time or Times and in such Manner as to the said Company of Proprietors or their Successors shall seem proper and expedient, in and for the Maintenance and Reparation of the said Canal, Banks, Locks, Sluices, Towing Paths, Rail or Carriage Ways or Stone Roads, and the Amendments in general of the said Navigation; and the said Treasurer is hereby required, upon being served with a Copy of an Order of a Special or General Assembly of the said Proprietors for that Purpose, to transfer, sell, and dispose of, so much of such Government Securities as by such Order shall be directed, and forthwith to pay the Produce thereof to the Person or Persons to whom such Order shall require the same to be paid for the Purposes herein-before mentioned, and for no other Purpose whatsoever: Provided always, that when the Money so from Time to Time to be invested in Government Securities as aforesaid shall amount to the Sum of One thousand Pounds, such Deduction of Five Pounds *per Centum* out of the clear Profits shall cease to be made, until the said Money so invested as aforesaid shall be reduced to the Sum of Five hundred Pounds, in which Case such Deduction of Five Pounds *per Centum* shall be again made, and be invested in the Manner and for the Purposes aforesaid, and so from Time to Time such Deduction of Five Pounds *per Centum* shall be made and invested as aforesaid, according as the Money so invested shall amount or be reduced to the respective Sums before-mentioned.

Tonnage on Coals, when more than Ten Pounds *per Cent.* is cleared, to be reduced from Two-pence Halfpenny *per* Ton *per* Mile, to Two-pence *per* Ton *per* Mile.

XCVI. Provided always, and be it further enacted, That the said Commissioners shall, and they are hereby required, authorized, and empowered, from Time to Time, and at all Times hereafter, when and as often as it shall so happen at a Meeting to be holden for that Purpose, as herein-before is mentioned, (of which Fourteen Days Notice at least shall be given in some Newspaper or Newspapers, published in the said Counties of *Wilts* and *Somerset*), to call for, inspect, and examine, all and every the Book and Books of the said Company of Proprietors and their Successors, in which the Accounts relating to the said Navigation and Undertaking shall be entered and kept, and the Person or Persons, having the Custody or Possession of such Book or Books, is and are hereby authorized and required to produce the same accordingly to the said Commissioners, assembled at such Meeting, at the Hour or Time specified in such Notice for that Purpose, under Pain of forfeiting the Sum of One hundred Pounds for every Default or Neglect of so doing, and if upon inspecting and examining such Accounts, it shall appear to the Commissioners, assembled at such Meeting, or the major Part of them, that the Rates, Tolls, and Duties, to be demanded and taken by the said Company of Proprietors, or

their

their Succeſſors in virtue of this Act, as aforeſaid, ſhall (after the Payment of all Coſts, Charges, Expences, and Diſburſements whatſoever, incident or relating to the ſaid Navigation and Undertaking, and of the aforeſaid Sum of Five Pounds *per Centum per Annum* towards a Fund for Repairs as aforeſaid, and of all Intereſt due for or in reſpect of any Sum or Sums of Money which ſhall or may have been borrowed upon Mortgage of the ſaid Rates, Tolls, and Duties, as herein-before is mentioned) have produced in the Courſe of the Year ending on the Twenty-fifth Day of *March* next preceding every ſuch Meeting reſpectively, ſo much clear Money as to have enabled the ſaid Company of Proprietors, or their Succeſſors, to ſhare or receive a greater Dividend than Ten Pounds *per Centum per Annum* upon the Principal Sum or Sums of Money which ſhall have been actually contributed by them for the Purpoſe of carrying on and maintaining the ſaid Navigation and Undertaking, then, and in ſuch Caſe, and when and ſo often as the ſame ſhall happen, it ſhall and may be lawful to and for the ſaid Commiſſioners aſſembled at any ſuch Meeting ſo to be held from Time to Time for that Purpoſe as aforeſaid, or the major Part of them, and they are hereby accordingly required to lower and reduce the Rates, Tolls, and Duties, which ſhall for the Time being be payable for any Coals and Coak only, navigated, carried, or conveyed, on the ſaid Canal, or any Part thereof reſpectively, to Two-pence *per* Ton *per* Mile, and ſo in Proportion for a greater or leſs Quantity than a Ton, or a leſs Diſtance than a Mile, ſo that the Dividends and Profits to be ſhared by the ſaid Company of Proprietors, or their Succeſſors, at the End of the current Year (after the Payment of all ſuch Coſts, Charges, Expences, Diſburſements, and Intereſt as aforeſaid) ſhall not in Conſequence thereof be reduced to leſs than the Sum of Ten Pounds *per Centum* upon the Principal Sums ſo contributed by the ſaid Company of Proprietors, or their Succeſſors, for the Purpoſes aforeſaid, and to appoint a Day and Time on which every ſuch Reduction reſpectively ſhall commence and take place, after which no further Reduction ſhall be made of the ſame Rates, Tolls, and Duties, or any of them, without the Conſent of ſo many of the ſaid Company of Proprietors as ſhall be poſſeſſed of at leaſt Two Third Parts of the whole Number of Shares in the ſaid Navigation and Undertaking.

If by Means of ſuch Reduction as aforeſaid, the Company ſhall be unable to ſhare a Dividend of Five *per Cent.* they may again raiſe and advance Tolls for that Purpoſe.

XCVII. Provided alſo and be it further enacted, That if at any Time or Times hereafter, by Reaſon or Means of any ſuch Reduction of the ſaid Rates, Tolls, or Duties, ſo to be made as aforeſaid, the clear Profits ariſing from the ſaid Navigation and Undertaking ſhall in any Year after the ſaid Reduction ſhall have ſo taken place, (ſuch Year to be computed to commence and begin from the Day of the Month on which ſuch Reduction, ſhall firſt take Place) after the Payment of all ſuch Coſts, Charges, Expences, Diſburſements, and Outgoings whatſoever, and the Application of the ſaid Five Pounds *per Centum per Annum*, towards a Fund for Repairs as aforeſaid, be inſufficient to enable the ſaid Company of Proprietors, or their Succeſſors, to ſhare and receive a full Dividend of Ten Pounds *per Centum per Annum*, upon the Principal Sum or Sums of Money which ſhall have been ſubſcribed, raiſed, laid out, and expended, by them as aforeſaid, then, and in ſuch Caſe, and from Time to Time, when and ſo often as the ſame ſhall happen, it ſhall and may be lawful to and for the ſaid Company of Proprietors, at a Meeting to be held for that Purpoſe, (of which Fourteen Days Notice at leaſt ſhall

be given in ſome Newſpaper or Newſpapers publiſhed in the ſaid County of *Somerſet*), to raiſe ſuch Rates, Tolls, or Duties, as ſhall have been ſo reduced and lowered as aforeſaid, in ſuch Manner and to ſuch Extent as they ſhall think neceſſary and expedient, not only to make good ſuch Deficiency, but alſo to inſure a full Dividend of Ten Pounds *per Centum per Annum* upon ſuch Principal Sum or Sums of Money, at the End of the current Year, or as near thereto as can or may be calculated; but ſo nevertheleſs as that the Rates, Tolls, or Duties, which ſhall have been ſo reduced or lowered as aforeſaid, ſhall again be firſt raiſed and advanced even to the full Extent of the Sums herein-before authorized to be demanded and taken, and ſo that none of the ſaid Rates, Tolls, or Duties, ſhall at any Time be raiſed or advanced higher than the higheſt or greateſt Sum herein-before authorized to be demanded and taken.

Further Allowance for Goods remaining upon Wharfs above a certain Time.

XCVIII. And be it further enacted, That if any Iron, Iron Stone, Iron Ore, Lead Ore, Lime Stone, Timber, or other Goods, Wares, or Merchandize, except Coals and Coak, which ſhall be ſo navigated, carried, or conveyed, upon the ſaid Canal, or Rail or Carriage Ways or Stone Roads as aforeſaid, ſhall remain upon any Wharf belonging to the ſaid Company of Proprietors for above the Space of Forty-eight Hours, or if any Coal or Coak which ſhall be ſo navigated, carried, or conveyed, upon the ſaid Canal, or Rail or Carriage Ways or Stone Roads as aforeſaid, ſhall remain upon any ſuch Wharf for above the Space of Fourteen Days, then, and in ſuch Caſe, the ſaid Company of Proprietors ſhall be entitled to have and receive ſuch reaſonable Allowance for the Wharfage thereof, 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, and the Owner of ſuch Iron, Iron Stone, Iron Ore, Lead Ore, Lime Stone, Timber, Coal, Coak, or other Goods, Wares, and Merchandize; and in caſe any Difference or Diſpute ſhall ariſe concerning ſuch Allowance, the ſame ſhall be aſcertained and adjuſted by the ſaid Commiſſioners.

Company impowered to fix the Price of Carriage of Parcels not exceeding 500 *lb.* Weight.

XCIX. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, at any General Meeting or Aſſembly of the ſaid Company to be held as herein-before is directed, with the Concurrence of the Commiſſioners, to make ſuch Bye-Law or Bye-Laws, for aſcertaining and paying the Price, or Sum or Sums of Money, to be charged or taken for the Carriage of any Parcel not exceeding Five hundred Pounds Weight upon the ſaid Canal, and Rail Road or Carriage Ways or Stone Roads, or any Part thereof reſpectively, as to them ſhall ſeem reaſonable; and that the ſaid Company of Proprietors ſhall from Time to Time affix and ſtick up, or cauſe to be affixed and ſtuck up, upon every Publick Wharf upon the ſaid Canal, and upon every Stop Gate or Toll-Houſe on the ſaid Rail or Carriage Ways or Stone Roads, a Liſt either written or printed of the Price or Prices, Sum or Sums of Money, to be charged or taken for the Carriage of Parcels, not exceeding Five hundred Pounds Weight as aforeſaid, upon the ſaid Canal, and Rail or Carriage Ways or Stone Roads, or any Part thereof; and in caſe any Owner or Maſter, or other Perſon, belonging to any Boat, Barge, or other Veſſel, Waggon, or other Carriage, navigated or paſſing upon the ſaid Canal, or Rail or Carriage

Perſons demanding more, ſubject to a Penalty.

riage Ways or Stone Roads, shall, after such Account or List shall be affixed or stuck up as aforesaid, demand or take more than the Prices or Sums of Money therein specified and ascertained, such Owner, Master, Collector, or other Person as aforesaid, shall forfeit any Sum not exceeding Forty Shillings, and such Bye-Laws shall be valid and binding in all Cases upon all Persons whomsoever.

Rates and Tolls, how to be recovered.

C. And be it further enacted, That the Rates, Tolls, and Duties, hereby authorized to be taken, shall be paid to such Person or Persons, at such Place or Places upon or near the said Canal, and Rail or Carriage Ways or Stone Roads, and in such Manner and under such Regulations as the said Company of Proprietors shall in that Behalf direct or appoint; and in case of Neglect or Refusal to pay any such Rates, Tolls, or Duties, or any Part thereof, unto the Person or Persons who shall be appointed to receive the same as aforesaid; it shall be lawful for the said Company of Proprietors to sue for the same by Action of Debt, or upon the Case, in any of His Majesty's Courts of Record at *Westminster*, or it shall be lawful for the Person or Persons to whom such Rates, Tolls, or Duties, ought to have been paid, and he and they is and are hereby fully authorized and empowered to seize and distrain any Boat, Barge, or other Vessel, Waggon, or other Carriage, Goods, Wares, or Merchandize, Horse or Horses, or other Beasts or Cattle, for or in respect of which any such Rates, Tolls, or Duties, ought to be paid as aforesaid, or any Part of such Goods, Wares, or Merchandize, and the Apparel or Furniture of such Horse or Horses, or other Beasts or Cattle, and to detain the same respectively until full Payment shall be made of such Rates or Tolls, together with the reasonable Costs and Charges of such Distress; and in case such Distress shall not be redeemed within Five Days after the taking thereof, the same shall and may be appraised and sold as the Law directs in Cases of Distress for Rent.

Company to be rated for the Lands used by them in same Proportion as adjoining Lands.

CI. And be it further enacted, That the said Company of Proprietors shall, from Time to Time, be rated to all Parliamentary and Parochial Rates, Taxes, Assessments, and Impositions, for and in respect of the Lands and other Hereditaments to be purchased or taken, and the Warehouses and other Buildings to be erected or set up by the said Company in pursuance of this Act, in such and the same Proportion as, but not at any higher Value or improved Rent than other Lands and Buildings lying near or adjacent thereto are or shall, for the Time being, be rated, and as the Lands, Warehouses, and other Buildings, so to be purchased and taken and rated, would have been rateable in case the same had continued in their former State, and had not been used for the Purposes of the said Navigation or Undertaking; and all Parochial Rates and Assessments which shall or may be laid, assessed, or imposed, on the Rates and Tolls by this Act granted and authorized to be taken by the said Company of Proprietors, shall be laid, assessed, and imposed, in each Parish respectively, in Proportion to the Length of the said Canal in such respective Parish.

Rates and Tolls how to be assessed to Parochial Taxes.

Master of Boats, &c. to give Account of the Lading to the Collectors.

CII. And, for the more easy collecting the said Rates and Tolls, be it further enacted, That the Master, Owner, or Manager, of every Boat, Barge, or other Vessel, Waggon, or other Carriage, navigated upon or along the said intended Canal, or passing upon the said intended Rail or Carriage

Carriage Ways or Stone Roads, or upon any Part thereof, ſhall give a juſt Account in Writing, ſigned by him, to the Collector or Collectors of the ſaid Rates, at the Place or Places where he or they ſhall attend for that Purpoſe, of the ſeveral Quantities, Qualities, and Weight, of the Goods, Wares, Merchandize, and Things, contained in every ſuch Boat, Barge, or other Veſſel, Waggon, or other Carriage, and of the Place from whence brought, and where intended to be landed or carried; and alſo of the Quantities, Qualities, and Weight, of ſuch Goods as ſhall have been diſcharged or taken out of ſuch Boat, Barge, or Veſſel, Waggon, or other Carriage, within the Limits of the ſaid Navigation, Rail or Carriage Ways or Stone Roads, before their Arrival at the Place where ſuch Account is to be given; and in caſe any ſuch Maſter, Owner, or other Perſon, ſhall neglect or refuſe to give ſuch Account, or refuſe to produce his Permit or Bill of Lading to ſuch Collector or Collectors, if demanded, or ſhall give a falſe Account thereof, or ſhall deliver any Part of his Lading or Goods at any other Place than that mentioned in ſuch Account, every Perſon ſo offending ſhall forfeit and pay the Sum of Five Pounds for every ſuch Offence, over and above the Rates which ſhall be payable for the ſame; which ſaid Forfeiture, in caſe of Refuſal of Payment thereof on Demand, ſhall and may be recovered in the ſame Manner as the ſaid Rates are herein-before appointed and directed to be recovered and levied.

In caſe of Difference about the Weight of Goods, Collectors may ſtop and weigh them.

CIII. And be it further enacted, That if any Difference ſhall ariſe between any Collector of the ſaid Rates and Tolls and the Maſter or Perſon having Charge of any Boat or other Veſſel, Waggon or other Carriage, or the Owner of any Goods, Wares, and Merchandize, concerning the Weight and Quantity of the ſame, it ſhall be lawful for any ſuch Collector to ſeize and detain any ſuch Boat or other Veſſel, Waggon or other Carriage, and to weigh, meaſure, and gauge, or cauſe to be weighed, meaſured, and gauged, all ſuch Goods, Wares, and Merchandize, as ſhall be therein contained; and in caſe the ſame ſhall, upon ſuch weighing, meaſuring, and gauging, appear to be of greater Weight or Quantity than ſuch Maſter, Owner, or other Perſon having the Care of ſuch Boat or other Veſſel, Waggon or other Carriage, ſhall have affirmed or ſtated the ſame to be, then the ſaid Maſter, Owner, or Perſon having the Care of ſuch Boat or Veſſel, Waggon or other Carriage, ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging; and ſuch Coſts and Charges, in caſe of Refuſal of Payment thereof upon Demand, ſhall and may be levied and recovered in the ſame Manner as the ſaid Rates and Tolls are hereby appointed to be levied and recovered; but if ſuch Goods, Wares, and Merchandize, ſhall appear to be of the ſame Weight or Quantity, or of leſs Weight or Quantity, than the ſaid Maſter, Owner, or other Perſon, declared the ſame to be, then the ſaid Collector ſhall pay the Coſts and Charges of ſuch weighing, meaſuring, and gauging, and ſhall alſo pay to ſuch Maſter or Perſon, or to the Owner or Owners of ſuch Goods, Wares, and Merchandize, ſuch Damages as ſhall appear to the Commiſſioners, on the Oath of One or more credible Witneſs or Witneſſes, to have ariſen from ſuch Detention; and in Default of immediate Payment thereof by ſuch Collector, the ſame ſhall be recovered againſt the ſaid Company of Proprietors by Diſtreſs and Sale of their Goods and Chattels, by Warrant under the Hands and Seals of the ſaid Commiſſioners, or by Action of Debt, or on the Caſe, in any of His Majeſty's Courts of Record at *Weſtminſter*.

CIV. And

Navigation and Railways to be free on Payment of the Rates and Tolls.

CIV. And be it further enacted, That all and every Perſon and Perſons ſhall have free Liberty to uſe, with Horſes, Cattle, and Carriages, the private Ways and Roads belonging to the ſaid Company of Proprietors (except the Towing Paths) for the conveying of Goods and other Things to and from the ſaid Canal, and Rail or Carriage Ways or Stone Roads, and the Wharfs, Quays, or Landing Places, belonging thereto; and alſo with Boats, Barges, and other Veſſels, Waggons, or other Carriages, to navigate, paſs upon, and uſe, the ſaid Canal, and Rail or Carriage Ways or Stone Roads reſpectively, for the Purpoſe of conveying any Iron, Coals, Lime, Goods, Merchandize, Matters, or Things whatſoever, thereon reſpectively; and alſo to uſe the ſaid Wharfs, Quays, and Landing Places, for the loading and unloading of any Goods or other Things, and the ſaid Towing Paths for the hauling and drawing of ſuch Boats, Barges, and Veſſels; and alſo to paſs, repaſs, travel, and go, upon the ſaid Rail or Carriage Ways or Stone Roads with any Horſes, Oxen, Cows, and other Cattle whatſoever, upon Payment of ſuch Rates and Tolls for the ſame as aforeſaid, and ſubject always to the Rules, Orders, Bye Laws, and Regulations which ſhall, from Time to Time, be made by the ſaid Company of Proprietors, by virtue of the Powers herein-before granted.

Company may vary the Rates and Tolls.

CV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, at any General or Special Aſſembly, to be held for that Purpoſe, (of which Two Calendar Months Notice at the leaſt ſhall be given in the Manner herein-before mentioned), to lower or reduce ſuch of the ſaid Rates or Tolls to be fixed as aforeſaid, as the ſaid Company of Proprietors ſhall think proper; and afterwards, from Time to Time, at any General or Special Meeting, (of which the like Notice ſhall be given), to advance or raiſe all or any of the ſaid Rates and Tolls, ſo lowered or reduced: Provided always, that the Rates and Tolls, ſo to be advanced or raiſed as aforeſaid, ſhall not in any Caſe exceed the reſpective Rates and Tolls herein-before authorized to be taken, and that no Reduction of the ſaid Rates and Tolls ſhall be made without the Conſent of ſo many of the ſaid Proprietors as ſhall be poſſeſſed of at leaſt Two Thirds of the whole Number of Shares in the ſaid Undertaking, (except as herein-before is excepted).

Company empowered to leaſe the Rates and Tolls.

CVI. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby authorized and empowered, at any of their General Aſſemblies, by Writing under their Common Seal, at any Time or Times, to let to farm the Rates and Tolls hereby granted, or any Part or Parts thereof, upon the Whole or any Part or Parts of the ſaid Canal, and Rail or Carriage Ways or Stone Roads, and any Land or Ground which may be taken or purchaſed by the ſaid Company of Proprietors, for the Purpoſe of making Wharfs, Warehouſes, or other Conveniencies, unto any Perſon or Perſons, (from whom they ſhall be at Liberty to require and take Security, and One or more Surety or Sureties), for any Time or Term they ſhall think proper, not exceeding Three Years from the Commencement of any Leaſe; and every ſuch Leaſe ſhall be valid and effectual, and the Leſſee or Leſſees thereof, and alſo ſuch Perſon or Perſons as ſuch Leſſee or Leſſees ſhall appoint to collect and receive the Rates and Tolls ſo let, ſhall, during the Continuance of every ſuch Leaſe, be deemed Collectors of the Rates

and Tolls ſo let, and ſhall have the ſame Power and Authority for collecting the ſame, as if they had been appointed for that Purpoſe by the ſaid Company of Proprietors, provided publick Notice of the Intention to let the ſaid Rates and Tolls, or any Part thereof, be given in One or more of the *Bath* and *Briſtol* Newſpapers, and continued in ſuch Newſpapers Three Times at leaſt, Twenty-one Days prior to any ſuch General Aſſembly, at which the ſaid Rates and Tolls, or any Part thereof, are propoſed to be let as aforeſaid.

The Names of the Owners of Boats and Carriages to be painted on the Outſide.

CVII. And be it further enacted, That every Owner, Maſter, or Perſon, having the Care or Conduct of any Boat, Barge, or other Veſſel, (not being a Pleaſure Boat), or of any Waggon, or other Carriage, navigating and paſſing upon the ſaid Canal, and Rail or Carriage Ways or Stone Roads reſpectively, ſhall cauſe his or her Name, and Place of Abode, and the Number of his or her Boat, Barge, or other Veſſel, Waggon or other Carriage, to be entered with the Clerk or Clerks to the ſaid Company of Proprietors, and ſhall alſo cauſe the Name of ſuch Owner, and the Number of ſuch Boat, Barge, or other Veſſel, Waggon, or other Carriage, to be painted in large White Capital Letters and Figures on a Black Ground, Four Inches in Length, and of a proportionable Breadth, on the Outſide of the Head or Stern of every ſuch Boat, Barge, or other Veſſel, and ſo high that no Part of ſuch Letters or Figures ſhall be under Water when ſuch Boat, Barge, or other Veſſel is full laden, and on ſome conſpicuous Part of the Outſide of every ſuch Waggon or other Carriage; and ſhall alſo affix on each Side and End of ſuch Boat, Barge, or other Veſſel reſpectively, correct Indexes of Copper, Lead, or other Metal, of ſuch graduated Dimenſions, and of ſuch convenient Height, and under ſuch Regulations, as the ſaid Company of Proprietors ſhall from Time to Time direct, ſo that the true Weight of the Lading on Board may at all Times be thereby aſcertained and ſhewn; and that the Owner, Maſter, or other Perſon, having the Care or Conduct of every ſuch Boat, Barge, or other Veſſel, ſhall permit and ſuffer the ſame reſpectively to be gauged or meaſured, at the Expence of the ſaid Company of Proprietors, when required, by ſuch Perſon or Perſons as ſhall be appointed by them for that Purpoſe, ſo that no ſuch Boat, Barge, or other Veſſel, ſhall be gauged or meaſured more than Four Times in any One Year; and that every Owner, Maſter, or other Perſon, having the Care or Conduct of any Boat, Barge, or other Veſſel, Waggon, or other Carriage, who ſhall neglect or refuſe to put thereon the Owner's Name and Place of Abode, and ſuch other Marks or Numbers as are herein-before directed, or ſhall alter, eraſe, or deface, any Letters or Figures, deſcribing ſuch Name, Place of Abode, Marks, or Numbers, as aforeſaid, or ſhall refuſe to permit ſuch Boat, Barge, or other Veſſel, to be gauged or meaſured as aforeſaid, or ſhall cauſe or permit ſuch Boat, Barge, or other Veſſel, navigating upon the ſaid Canal, to be loaded or unloaded without a Stage being laid upon the Gunwhale of ſuch Boat, Barge, or other Veſſel, to the Bank of the ſaid Canal, in order to prevent any Dirt or Rubbiſh falling into the ſame, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Five Pounds.

Boats may be gauged when required.

Owners of Boats anſwerable for Damages done by Servants.

CVIII. And be it further enacted, That the Owner or Maſter of every Boat, Barge, or other Veſſel, Waggon, or other Carriage, navigating or paſſing upon the ſaid Canal, and Rail or Carriage Ways or Stone Roads reſpectively, ſhall be, and he is hereby made anſwerable for all ſuch

ſuch Damage, Spoil, or Miſchief, as ſhall be done by his Boat, Barge, or Veſſel, Waggon, or other Carriage, or the Horſes uſed in drawing the ſame, or by any of the Boatmen, Watermen, Waggoners, or others belonging to, or employed in or about the ſame reſpectively, unto any of the Bridges, Weirs, Locks, Dams, Engines, Stop Gates, or other Gates, Toll Houſes, or other Works, in, upon, or near, the ſaid Canal, and Rail or Carriage Ways or Stone Roads, or any Trenches, Sluices, or Paſſages, belonging to the ſaid Company, or by loading or unloading any Boat, Barge, or other Veſſel, Waggon, or other Carriage, and for any Treſpaſs or Damage that ſhall or may be done to the Owners or Occupiers of any Buildings, Lands, or Tenements, adjoining or lying near the ſame, by leaving open Gates, or otherwiſe, and any other Treſpaſs whatſoever, contrary to the ſeveral Directions and Reſtrictions in this Act contained, or any of them; and the ſaid Maſter or Owner of ſuch Boat, Barge, or other Veſſel, Waggon, or other Carriage, ſhall, upon Conviction of the Perſon or Perſons doing ſuch Damage, before any Juſtice of the Peace for the County or Place where ſuch Offence ſhall be committed, either by the Confeſſion of the Party or Parties offending, or upon the Oath of any credible Witneſs, (which Oath ſuch Juſtice is hereby empowered and required to adminiſter), forthwith pay to the Perſon or Perſons injured, the Damage to be aſcertained by ſuch Juſtice, in caſe the ſame do not exceed the Sum of Five Pounds; and ſhall alſo, over and above ſuch Damages, forfeit and pay for the Uſe of the Poor of the Pariſh where the Offence ſhall be committed, a Sum not exceeding Twenty Shillings, to be determined by ſuch Juſtice; and all the Coſts, Charges, and Expences, attending ſuch Conviction, and ſuch Damages, Penalties, and Coſts, ſhall be recovered in like Manner as any Penalty is herein-after directed to be recovered; but if the ſaid Damages ſhall exceed the Sum of Five Pounds, then, and in ſuch Caſe, the Maſter, or Owner or Owners of ſuch Boat, or other Veſſel, Waggon, or other Carriage, ſhall and may be ſued and proſecuted for the ſame, in any of His Majeſty's Courts of Record at *Weſtminſter*; and if a Verdict be found againſt him or them, or Judgement be given againſt him or them by Demurrer or by Default, the Plaintiff in any ſuch Caſe ſhall recover his Damages thereby ſuſtained, with full Coſts of Suit.

Owners of Boats may recover from Servants what ſhall be paid for Damages done by them.

CIX. And be it further enacted, That if the Owner or Maſter of any Boat, Barge, or other Veſſel, Waggon, or other Carriage, navigating or paſſing on the ſaid Canal, and Rail or Carriage Ways or Stone Roads reſpectively, ſhall be compelled to pay any Penalty, or to make Satisfaction for any Damage done by Reaſon of any wilful Act or Default of his or their Servant or Servants, then, and in ſuch Caſe, every ſuch Servant ſhall be liable to repay ſuch Penalty and Satisfaction for Damages to ſuch Owner or Maſter; and in caſe of Non-payment thereof upon Demand, the ſame ſhall be recovered in like Manner as any Penalty is herein-after directed to be recovered.

No Carriages to paſs on Rail Ways, unleſs conſtructed as directed by the Company.

CX. And be it further enacted, That no Perſon or Perſons whomſoever ſhall paſs upon any Part of the ſaid Rail or Carriage Ways or Stone Roads, with any Waggon or other Carriage whatſoever, unleſs the ſame be conſtructed agreeable to the Orders and Regulations of the ſaid Company of Proprietors, without the Conſent of the ſaid Company of Proprietors; which Orders and Regulations ſhall be ſtuck up on a conſpicuous

cuous Part of every Stop-gate and Toll-houſe, erected on ſuch Rail or Carriage Ways or Stone Roads for the collecting of the ſaid Tolls, except in croſſing the ſame, for the convenient Occupation of the adjacent Land, or in paſſing on any publick or private Carriage Road, which may happen to croſs the ſaid Rail or Carriage Ways or Stone Roads, or any of them; and that if any Perſon or Perſons whomſoever ſhall paſs upon any Part of the ſaid Rail or Carriage Ways or Stone Roads with any Waggon or Carriage, not conſtructed in Manner herein-before directed, (except as before excepted), he or they ſo offending ſhall, for every ſuch Offence, forfeit and pay any Sum not exceeding Five Pounds, nor leſs than Twenty Shillings.

No Boat or Barge to paſs on Canal, unleſs conſtructed as directed by the Company.

CXI. And be it further enacted, That no Perſon or Perſons whomſoever ſhall paſs with or uſe upon the ſaid Canal any Boat or Barge whatſoever, (except Boats for Pleaſure or Huſbandry), unleſs the ſame be conſtructed, formed, and made, agreeable to the Orders and Regulations of the ſaid Company of Proprietors; which Orders and Regulations ſhall be ſtuck up on every Toll-houſe erected on or near to the ſaid Canal; and that if any Perſon or Perſons whomſoever ſhall paſs with, or uſe upon the ſaid Canal, any Boat or Barge whatſoever, not conſtructed in Manner herein-before directed, (except as aforeſaid), he, ſhe, or they, ſo offending, ſhall, for every ſuch Offence, forfeit and pay any Sum, not exceeding Twenty Pounds, nor leſs than Five Pounds.

Places to be made for Boats to turn and paſs each other.

CXII. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, and they are hereby required, in ſuch Parts of the ſaid Canal as ſhall not be of ſufficient Breadth for admitting a Boat, Barge, or other Veſſel, to turn about and lie, or Two Boats, Barges, or other Veſſels, to paſs each other, to open and cut proper Spaces or Places in the Lands adjoining to the ſaid Canal, at convenient Diſtances from each other, for the turning, lying, and paſſing, of ſuch Boats, Barges, and other Veſſels; and that every Boat, Barge, or other Veſſel, paſſing upon the ſaid Canal, ſhall, upon meeting any other Boat, Barge, or other Veſſel, ſtop at, or go back to, and lie in, the ſaid Spaces or Places made for that Purpoſe, in ſuch Manner as the ſaid Committee, by any Writing under their Hands, ſhall direct or appoint.

Regulations for Boats paſſing Locks.

CXIII. And be it further enacted, That no Boatman, or his Agent or Servant, navigating any Boat or other Veſſel upon the ſaid Canal, and paſſing with ſuch Boat or other Veſſel through any Lock to be made upon the ſame, ſhall ſuffer the Water to remain in ſuch Lock longer than is neceſſary for his Boat or other Veſſel to paſs through; and that every ſuch Boatman, or other Perſon as aforeſaid, in going down the ſaid Canal, ſhall ſhut the Lower Gates of ſuch Lock, before he ſhall draw the Cloughs of the Upper Gates thereof, and after he ſhall have brought his Boat or other Veſſel into the ſaid Lock, ſhall ſhut the Upper Gates before he ſhall draw the Cloughs of the Lower Gates thereof; and in going up the ſaid Canal ſhall, as ſoon as he ſhall have paſſed with his Boat or other Veſſel out of the ſaid Lock, ſhut the Upper Gates thereof, and afterwards draw the Cloughs of the Lower Gates, unleſs there ſhall be then a Boat or other Veſſel in Sight of the ſaid Lock, coming down the Canal, in which Caſe the Lower Gates of the ſaid Lock ſhall be left ſhut, and the Upper Gates ſhall be left open; and an

all Times the Veſſel going up the ſaid Canal, if within Sight of, and at a Diſtance not above Three hundred Yards below the Lock, ſhall paſs through ſuch Lock before the Veſſel coming down, and then the Veſſel next above ſhall come down; and if there ſhall be more Veſſels than One below and One above any Lock at the ſame Time, within the Diſtance aforeſaid, (at which Diſtance a Poſt or Mark ſhall be ſet up or made for aſcertaining the ſame), ſuch Veſſels ſhall go up and come down through ſuch Lock by Turns as aforeſaid, until all the Veſſels going up and coming down ſhall have paſſed, in order that One Lock full of Water may ſerve Two Veſſels; and that every Perſon offending in any of theſe Particulars ſhall, for every ſuch Offence, forfeit a Sum not exceeding Five Pounds, nor leſs than Twenty Shillings.

When Veſſels laden with Hay, Straw, &c. may paſs Locks.

CXIV. Provided alſo, and be it further enacted, That no Boat, Barge, or other Veſſel, laden with Hay, Straw, or Corn in the Straw, Materials for the Repair of Roads, or any Kind of Manure, ſhall paſs through any Lock to be made by virtue of this Act, except at ſuch Times only as the Water ſhall flow over the Waſte Weir next ſuch Lock, without the Conſent of the ſaid Company of Proprietors, or their Committee, or Agent; and alſo, except ſuch Boats, Barges, or other Veſſels, as ſhall be returning or going to any of the ſaid Collieries, for the Purpoſe of loading with Coals, to paſs on and be conveyed by Means of the ſaid Canal.

Company may make further Regulations for paſſing Locks.

CXV. And be it further enacted, That it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, to make ſuch further and other Rules, Orders, and Regulations, for or relating to the paſſing of any Locks to be made by virtue of this Act, with any Boats, Barges, or other Veſſels, as they ſhall think proper; and that all ſuch Rules, Orders, and Regulations, (being publiſhed in ſuch Manner as the ſaid Commiſſioners, aſſembled at every Meeting to be held as herein-before mentioned, or the major Part of them ſo aſſembled, ſhall direct), ſhall be binding upon, and be conformed to by the Owners, Maſters, or Perſons having the Care or Conduct of ſuch Boats, Barges, or other Veſſels as aforeſaid, upon Pain of forfeiting a Sum not exceeding Five Pounds, nor leſs than Twenty Shillings, for every Default.

Lock Keepers not to give undue Preference to Boats.

CXVI. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the ſaid Company of Proprietors, ſhall give any Preference, or ſhew any Partiality to any Boat, Barge, or other Veſſel, in paſſing through any Lock upon the ſaid Canal, or in loading or unloading any Goods, Wares, or Merchandize, at any of the Wharfs, Warehouſes, Weigh Beams, Cranes, and other Machines, belonging to the ſaid Company of Proprietors, every Perſon ſo offending ſhall forfeit and pay for every ſuch Offence the Sum of Twenty Shillings for the Uſe of the Poor of the Pariſh where the Offence ſhall be committed.

Boats not to paſs Locks, but under certain Conditions.

CXVII. And be it further enacted, That no Boat or other Veſſel liable to pay any Tonnage under this Act, ſhall paſs through any of the Locks to be made by virtue of this Act, without the Conſent of the ſaid Company of Proprietors, or their Principal Agent, in Writing, firſt had and obtained, unleſs the Owner, Maſter, or Perſon having the Care of ſuch

Boat or other Veſſel, ſhall pay the ſame Tonnage as for a Boat or Veſſel of Twenty Tons Burthen.

Boats obſtructing the Navigation, to be removed.

CXVIII. And be it further enacted, That if any Boat or Veſſel, Waggon, or other Carriage, ſhall be wilfully placed on any Part of the ſaid Canal, Railways or Stone Roads, Trenches, Sluices, or Paſſages aforeſaid, ſo as to obſtruct the Navigation or Paſſage thereon reſpectively, and the Perſon having the Care of ſuch Boat or Veſſel, Waggon, or other Carriage, ſhall not immediately remove the ſame upon Requeſt made for that Purpoſe, he ſhall for every ſuch Offence forfeit a Sum not exceeding Ten Shillings, nor leſs than Five Shillings; and ſhall moreover forfeit a Sum not exceeding Four Shillings nor leſs than Two Shillings, for every Hour ſuch Obſtruction ſhall continue, after ſuch Requeſt for Removal thereof ſhall be made as aforeſaid; and that it ſhall be lawful for any Agent or Servant of the ſaid Company of Proprietors to cauſe any ſuch Boat or Veſſel, Waggon, or other Carriage, to be unladen if neceſſary, and to be removed in ſuch Manner as ſhall be neceſſary for preventing further Obſtruction, and to ſeize and detain ſuch Boat or Veſſel, Waggon, or other Carriage, and the Lading thereof, or any Part of ſuch Lading, until the ſaid Penalties and Charge of ſuch Removal be paid; and that if any Boat or Veſſel ſhall be ſunk in the ſaid Canal, Sluices, or Trenches aforeſaid, and the Owner or Perſon having the Uſe or Care of ſuch Veſſel ſhall not without Loſs of Time weigh or draw up the ſame, it ſhall be lawful for any Agent or Servant of the ſaid Company of Proprietors to cauſe ſuch Boat or Veſſel to be weighed or drawn up, and to detain and keep the ſame until Payment be made of all Expences neceſſarily occaſioned by and relating thereto; and if ſuch Payment ſhall not be made within the Space of Ten Days, then it ſhall be lawful for the ſaid Company of Proprietors to ſell and diſpoſe of ſuch Boat or Veſſel, with the Loading thereof, in ſuch Manner as the Law directs in Caſes of Diſtreſs for Rent in Arrear, rendering to the former Owner of ſuch Boat, Veſſel, or Loading, the Overplus, after all Expences and Charges ſhall be deducted.

Boats ſunk, to be weighed up.

Penalty on Perſons taking in or unloading Goods, unleſs at a Publick Wharf.

CXIX. And be it further enacted, That if any Perſon or Perſons (except as herein-after mentioned) navigating or working, or employed in navigating or working any Boat, Barge, or other Veſſel, upon the ſaid Canal, ſhall load, unload, or take into any ſuch Boat, Barge, or other Veſſel, any Goods, Wares, Merchandize, or Things whatſoever, liable to pay any of the Rates herein-before mentioned, at any other Place or Places than at the Wharfs or Quays upon or belonging to the ſaid Canal, without having firſt obtained a Conſent in Writing for that Purpoſe from the ſaid Company of Proprietors, their Agent or Agents, Collector or Collectors, then ſuch Perſon or Perſons ſhall for every ſuch Offence forfeit any Sum not exceeding Five Pounds.

Penalty on Perſons leaving Swivel or Draw Bridges open.

CXX. And be it further enacted, That if any Swivel Bridge or Draw Bridge ſhall be laid over or acroſs the ſaid Canal, or any Cut, Trenches, or Paſſages, to be made by virtue of this Act, all and every Perſon and Perſons opening any ſuch Draw Bridge or Swivel Bridge for the Paſſage of any Boat or other Veſſel, ſhall from Time to Time, as ſoon as ſuch Boat or other Veſſel ſhall have paſſed ſuch Bridge, ſhut and faſten the ſame; and that every Perſon neglecting ſo to do, ſhall forfeit and pay

for every ſuch Offence any Sum not exceeding Five Pounds; and in caſe any ſuch Bridge ſhall be left open longer than neceſſary for the Paſſage of any Boat or other Veſſel as aforeſaid, through the Neglect or Careleſſneſs of any Perſon belonging to any ſuch Boat or other Veſſel, or 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 forfeit and pay for every ſuch Offence a Sum not exceeding Five Pounds, One Half of which Penalty ſhall be paid to the Informer, and the other Half to the Poor of the Pariſh where ſuch Offence ſhall be committed.

Penalty on Perſons obſtructing the Navigation;

CXXI. And be it further enacted, That if any Perſon or Perſons ſhall float any Timber upon the ſaid Canal, or ſhall load any Boat or Veſſel with Timber, or any other Thing, ſo that the ſame ſhall lie over the Side of ſuch Boat or Veſſel navigating in or upon the ſaid Canal, ſo as to obſtruct the Paſſage of any other Boat or Veſſel, and ſhall not immediately, upon Notice given to the Owner or Perſon having the Care of ſuch Boat or Veſſel ſo obſtructing the Paſſage, haul or draw back ſuch Boat or other Veſſel into ſuch Place or Places as ſhall be ſo made, or be proper for Boats or other Veſſels to paſs each other, every ſuch Owner or Perſon or Perſons floating ſuch Timber, or having the Care of ſuch Boat or Veſſel, ſhall forfeit and pay for every ſuch Offence the Sum of Five Pounds; and if any Perſon or Perſons ſhall wilfully throw any Ballaſt, Gravel, Stones, Rubbiſh, or other Matter or Thing, into any Part of the ſaid Canal, or any Trenches, Sluices, or other Works, to be made or maintained by virtue of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit a Sum not exceeding Five Pounds.

and for Perſons throwing Ballaſt or Rubbiſh into Canal.

Penalty on Perſons opening Locks.

CXXII. And be it further enacted, That if any Perſon ſhall wantonly or through Careleſſneſs or Negligence open or cauſe to be opened any Lock, Paddle, Valve, or Clough, belonging to the ſaid Canal, or ſuffer any Boat or other Veſſel to ſtrike or run upon any of the Bridges or Locks thereof, or ſhall wilfully fluſh or draw off the Water, or cauſe the ſame to be fluſhed or drawn off from any Part of the ſaid Navigation, or ſhall leave any of the Cloughs open after any Boat or other Veſſel ſhall have paſſed any Lock belonging to the ſaid Canal, (except in ſuch Caſes as are herein-before otherwiſe ordered), or if any Perſon or Perſons ſhall wilfully draw or cauſe to be drawn any Paddle, Valve, or Clough, belonging to the ſaid Navigation, ſo as to miſpend or waſte the Water therein, every Perſon offending in any of the Particulars aforeſaid, ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Five Pounds.

Penalty on Perſons wilfully damaging the Canal.

CXXIII. And be it further enacted, That if any Perſon or Perſons ſhall wilfully and maliciouſly, and to the Prejudice of the ſaid Canal and other Works, break, throw down, damage, or deſtroy, any Bank or Banks, Wharf or Wharfs, Reſervoir or Reſervoirs, Rail or Carriage Ways or Stone Roads, or other Works to be erected or made by virtue of this Act, every ſuch Perſon ſhall be ſubject and liable to the like Pains and Penalties as in Caſes of any Perſon or Perſons convicted of Felony, and the Court by and before whom ſuch Perſon or Perſons ſhall be tried and convicted, ſhall have Power and Authority to cauſe ſuch Perſon or Perſons to be puniſhed in like Manner as Felons are directed to be puniſhed by the

the Laws and Statutes of this Realm; or in Mitigation of such Punishment, such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny; or otherwise every Person so offending, and being thereof lawfully convicted on the Oath of One credible Witness, before any One or more of His Majesty's Justices of the Peace, for the County or Place where such Offence shall be committed, shall forfeit any Sum not less than Double nor more than Treble the Value of the Damage proved on Oath to be done, at the Discretion of such Justice or Justices; such Forfeiture to be paid to the Use of the said Company, and if not paid on Demand, to be levied and recovered as other Forfeitures are herein-after directed to be levied and recovered.

Owners of Mines, Iron Works, &c. except Coal, may make Rail Ways, if Company refuse, on any Lands, with Consent of Owner.

CXXIV. And be it further enacted, That if the Owner or Owners of any Manor, Estate, or Lands, containing any Mines, Seams, or Veins of Iron, Stone, Free Stone, Lead, or other Minerals, (except Coal), or any Quarries of Lime Stone, Slates, or Tiles, or the Proprietor or Proprietors of any Iron Furnaces, Forges, and other Works, or the Renters, Lessees, or Occupiers, of the same, or any or either of them, situate and lying within the Distance of Two thousand Yards from any Part of the said Canal or Rail or Carriage Ways or Stone Roads herein-before particularly described and authorized to be made as aforesaid, shall deem it expedient or necessary that any Rail or Carriage Ways or Stone Roads shall be made over, through, to, along, in, upon, or under, the Lands or Grounds of any other Person or Persons, or across any Highway or Highways or private Road or Roads, or that any Bridges should be erected over and across any Rivers, Brooks, or Watercourses, for the Purpose of conveying his, her, or their Iron, Lead, Culm, Lime Stone, or other Stone, Slate, Tiles, or Minerals, or any Goods, Wares, or Merchandize, (except Coals), to or from the said Canal or Rail or Carriage Ways or Stone Roads herein-before particularly described, and if the said Company of Proprietors shall refuse to make any such Rail or Carriage Way or Stone Road, or to erect any such Bridge in virtue of the Powers herein-before given to them in that Behalf, for the Space of Six Calendar Months, after an Application and Request in Writing shall have been made to them for that Purpose at a General Meeting or Assembly, to be held as herein-before is mentioned, by the Person or Persons so deeming it expedient that such Rail or Carriage Way or Stone Road should be made, or such Bridge erected as aforesaid, then, and in such Case, and from Time to Time, as often as the same shall happen, it shall be lawful for the Person and Persons, making such Application and Request, at his, her, or their own proper Costs and Charges, at any Time after the Expiration of such Six Calendar Months, with the Consent of the Owner or Owners of such Lands or Grounds, Rivers, Brooks, or Watercourses, to make any such Rail or Carriage Ways or Stone Roads, or to erect any such Bridge or Bridges, as shall be deemed expedient to be made or erected as aforesaid: Provided always, that the Person or Persons, desirous of having any such Rail or Carriage Way or Stone Road, or Bridge, made or erected as aforesaid, shall, on the Application and Request to be made by him or them to the said Company of Proprietors for that Purpose as aforesaid, specify the Name or Names of the Person or Persons making such Application, and describe the Line along which any such Rail or Carriage Way or Stone Road is intended

intended to paſs, with the Diſtance from Point to Point where any ſuch Rail or Carriage Way or Stone Road ſhall begin and end, or the preciſe Spot where any ſuch Bridge is intended to be erected; and every ſuch Rail or Carriage Way or Stone Road and Bridge, ſo to be made and erected as laſt herein-before is mentioned, ſhall, after the ſame ſhall be completed, be publick and open to all Perſons for the Conveyance of any Minerals, Goods, Wares, Merchandize, or Commodities whatſoever, in Waggons or other Carriages properly conſtructed, and for the Paſſage of Horſes, Cows, and other Beaſts or Cattle, on Payment to the Perſon or Perſons, at whoſe Charge and Expence ſuch Rail or Carriage Way or Stone Road, or Bridge, ſhall have been made or erected, and his, her, and their Heirs or Aſſigns, of ſuch and the like Tolls, Rates, or Duties, as ſhall, for the Time being, be payable to the ſaid Company of Proprietors, for the Conveyance of ſuch Minerals, Goods, Wares, Merchandize, and Commodities, and the Paſſage of ſuch Horſes, Cows, or other Beaſts or Cattle, upon the Rail or Carriage Ways or Stone Roads, firſt herein-before particularly deſcribed and intended to be made by them, except as to Cattle going from Field to Field, as herein-before is excepted.

Perſons deſirous of a Rail Way or Carriage Way, may agree for the ſame with the Company.

CXXV. And whereas, it may be for the Intereſt and Advantage of ſome Perſon or Perſons, who may hereafter be deſirous of having any ſuch Rail or Carriage Way or Stone Road as aforeſaid, to have the ſame made by the ſaid Company of Proprietors, upon paying to the ſaid Company a higher Rate or Toll for the Conveyance of his or their Goods and other Things (except Coals and Coak) thereon, than ſhall be payable for the Conveyance of the like Articles upon the Rail or Carriage Ways or Stone Roads, firſt herein-before particularly deſcribed; be it therefore further enacted, That in caſe the ſaid Company of Proprietors ſhall make any ſuch Rail or Carriage Way or Stone Road, agreeable to the Requeſt of any ſuch Perſon or Perſons as aforeſaid, it ſhall be lawful for the ſaid Company of Proprietors, from Time to Time, and at all Times after the ſame ſhall be made, to demand and take, not only of and from the Perſon or Perſons who ſhall have made ſuch Requeſt, but alſo of and from all other Perſons, for the Conveyance of any Iron, Iron Stone, Iron Ore, Lead Ore, Lime, Lime Stone, and all other Goods, Wares, Merchandize, and Things whatſoever, except Coals and Coak, upon any ſuch Rail or Carriage Way or Stone Road, ſuch Rates and Tolls as ſhall be mutually fixed and agreed upon for that Purpoſe, between the ſaid Company of Proprietors and the Perſon or Perſons who ſhall have made ſuch Requeſt as aforeſaid, ſo as the ſame do not exceed the Sum of Five-pence *per* Ton *per* Mile, any Thing herein-before contained to the contrary thereof notwithſtanding: Provided always, that ſuch laſt-mentioned Rates and Tolls ſhall and may be altered and varied from Time to Time by the ſaid Company of Proprietors, in ſuch and the like Manner as they are herein-before empowered to alter and vary the Rates and Tolls firſt herein-before mentioned and authorized to be taken.

Lords of Manors and Land Owners may erect Wharfs on their Lands.

CXXVI. And be it further enacted, That it ſhall be lawful for the Lord or Lords of any Manor, and the Owner or Owners of any Lands or Grounds through which the ſaid Canal ſhall be made, to erect and uſe any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouſes, in

in or upon their respective Lands, Grounds, or Wastes adjoining, or near to the said Canal, (except as herein is excepted), and to land any Goods or other Things upon such Wharfs, Quays, or Landing Places, or upon the Banks lying between the same and the said Canal, and also to make and use proper and convenient Places for Boats, Barges, and other Vessels to lie and turn in, and pass each other, so that the making or using thereof respectively do not obstruct or prejudice the Navigation of the said Canal, or any Towing Paths on the Sides thereof; and all the Rates which shall be paid for the Use of such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses respectively, shall be, and the same are hereby vested in the Lord or Lords of such Manor, or the Owner or Owners of such Lands or Grounds who shall make and erect the same as aforesaid; provided, that such Lord or Lords of a Manor or Manors, or Owner or Owners of any such Lands or Grounds, shall not make any such Wharfs, Quays, Landing Places, Cranes, Weigh Beams, and Warehouses, between or within One hundred Yards of the End of any such Rail or Carriage Ways or Stone Roads and the said Canal, or within Two hundred Yards of the Eastern Extremity of the said Canal, or within One hundred Yards of the said Canal, at or near the following Places, or either of them; *videlicet*, *Mitford Bridge*, in the said several Parishes of *Southstoke*, *Wellow*, *Charter-House Hinton*, and *Bradford*, or One of them; *Dunkerton Bridge*, in the said Parishes of *Dunkerton*, *Wellow*, and *Combhay*, or One of them; *Radford Bridge*, in the said Parishes of *Paulton*, *Timsbury*, *Camerton*, and *Midsomer Norton*, *Gooseyard*, otherwise *Goosehard Bridge*, in the said Parishes of *High Littleton* and *Paulton*, or One of them; *Radstock Bridge*, in the said Parish of *Radstock*; the Bridge near the Mill at *Stoney Littleton*, in the said Parish of *Wellow*; and the Bridges on the Turnpike Road, in the said Parishes of *Wellow* and *Charter-House Hinton*, or either of them.

If they refuse, the Company may erect the same.

CXXVII. And be it further enacted, That if any such Lord or Lords, Owner or Owners, shall not, within the Space of Twelve Calendar Months next after Notice given in Writing to him, her, or them, by or on Behalf of the said Company of Proprietors, that any Part of such Lands, Grounds, or Wastes, is necessary or proper to be used by them for the Purpose of erecting and making Wharfs, Quays, Landing Places, Warehouses, and Buildings, for the Use of the said Navigation, or for making and laying out necessary and convenient Roads for the Conveyance of Goods to and from the said Canal, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Quays, Landing Places, Warehouses, Buildings, and Roads, for the Use of the said Navigation, as the said Commissioners shall think necessary, on the Lands and Grounds 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 such Lands, Grounds, or Wastes, for erecting and building proper and sufficient Wharfs, Quays, Landing Places, Warehouses, and Buildings, and making and laying out necessary and convenient Roads to and from the said Canal, agreeable to such Notice as aforesaid, first making Satisfaction for the same in such Manner as is herein-before directed with respect to any other Lands or Grounds which shall be taken or used by the said Company for the Purposes of this Act.

CXXVIII. And

CXXVIII. And be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, which shall be set up, erected, or made, by the Lord or Lords of any Manor, or the Owner or Owners, Occupier or Occupiers, of any Lands or Grounds adjoining or near to the said Canal, for his, her, or their own private Use only, or to set up, erect, or use, any Cranes or Weighing Machines in or upon any such Wharfs, Quays, or Landing Places, without the Consent of such Lord or Lords, Owner or Owners, Occupier or Occupiers, and that no more than the Sum of One Halfpenny *per* Ton shall be demanded or taken by any such Lord or Lords, Owner or Owners, Occupier or Occupiers, who shall make, erect, or build, any such Wharfs or Quays, or make or lay out any Roads to and from the said Canal as aforesaid, in pursuance of the Notice to be given by or on Behalf of the said Company of Proprietors to such Lord or Lords, Owner or Owners, Occupier or Occupiers, for that Purpose as aforesaid, for the Wharfage of any Coals, Culm, Lime Stone, Clay, Iron, Iron Stone, Lead Ore, or any other Ores, Timber, Stone, Bricks, Tiles, Slates, Gravel, Hay, Straw, Corn in the Straw, or Manure, nor more than One Halfpenny *per* Ton for the Wharfage of any Goods, Wares, Merchandize, or Things whatsoever, where the same shall be respectively placed and remain upon any such Wharfs or Quays, and shall not continue thereupon for a longer Space of Time than Six Days, except Coals, Coak, Culm, Lime Stone, Clay, Iron, Iron Stone, Lead Ore, or other Ore, Timber, Stone, Bricks, Tiles, Slates, Gravel, Hay, Straw, Corn in the Straw, and Manure, which may remain thereupon for One Calendar Month, upon Payment of the said One Halfpenny *per* Ton: Provided nevertheless, that in case any of the said Articles shall be left or remain in or upon any such Wharf or Quay for the Space of Ten Days, over and above the Time hereby limited for the same respectively, then the Owner or Owners of such Articles shall pay to the Proprietors of such Wharf or Quay One Penny *per* Ton for such Ten Days, and One Penny *per* Ton for every further Day which such Articles shall remain upon such Wharf or Quay after the Expiration of the said Ten Days: Provided always, that it shall be lawful for the said Company of Proprietors to erect, repair, and use, any Cranes or Weighing Machines upon any such Wharfs or Quays last-mentioned, for the more convenient loading or unloading and weighing of any such Minerals or other Goods, Wares, Merchandize, or Things, in case the Proprietors of such Wharfs or Quays shall neglect or refuse to make and erect the same for the Space of Three Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, or, when so erected, neglect or refuse to keep the same in Repair; any Thing in this Act contained to the contrary thereof notwithstanding.

Regulations respecting private Wharfs.

CXXIX. And whereas the major Part of the Proprietors of the said Navigation may hereafter judge it expedient in case the said intended *Kennet* and *Avon* Canal should not be carried into Execution, or in some other Case, or for some other Reason, to make an Application to Parliament for Power to extend, alter, or vary, the said intended *Somersetshire* Coal Canal, but by Reason of Infancy or otherwise may not be able to obtain

Majority of Proprietors may apply to Parliament to extend or vary the Line.

obtain the Consent and Concurrence of all the Proprietors; be it therefore enacted, That in case the Persons entitled to the greater 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 as aforesaid, it shall be lawful for them to order and cause the Common Seal of the said Company of Proprietors to be affixed to any Petition for that Purpose, and such Application to be proceeded in and prosecuted, and any Money arising by virtue of this Act to be applied in defraying the Expences incurred by or in consequence of any such Application, and the same shall be deemed to be the Act of the Whole of the said Company of Proprietors in like Manner 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, Lunaticks, or under any other Disability or Incapacity of acting for themselves, and the Executors or Administrators of any deceased Proprietor 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 Share 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, provided none of the Rates or Duties hereby fixed, or any of the Rates, Duties, or Regulations, respecting Rail Roads, be not repealed, varied, altered, or infringed.

Rights of Fishery reserved to Lords of Manors, &c.

CXXX. And be it further enacted, That the Lord or Lords of every Manor through which the said intended Canal shall be made, shall have and be entitled to the exclusive Right of Fishery, of and in so much of the said Canal as shall be made over or through the Common or Waste Lands within his, her, or their Manor, or in, over, or through, any other Lands or Grounds lying within any such Manor, in which Manor such Lord or Lords is or are entitled to the Right of Fishery, so as in the Use and Exercise of such Right of Fishery the said Canal, or the Towing Paths, Banks, or other Works and Conveniencies, hereby authorized to be made, shall not be prejudiced or obstructed, or any Water drained or exhausted from or out of the said Canal, and so as the said Company of Proprietors, or their Agents, Servants, or Workmen, 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, which shall be taken, killed, or destroyed, through or by Means of the necessary letting off the Water out of the said Canal, for or on Account of any Repairs or Works to be done in or about the same.

To compel Payment of Subscriptions.

CXXXI. And be it further enacted, That the several Persons who have already subscribed, or who shall hereafter subscribe, any Money for and towards the making and maintaining of the said Canal and other Works hereby authorized to be made, shall and is, and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or to be subscribed, or such Part or Parts thereof as shall from

from Time to Time be called for by the ſaid Company of Proprietors, or the Committee of the ſaid Company for the Time being, under and by virtue of the Powers and Directions of this Act, at ſuch Times and Places as ſhall be appointed for that Purpoſe by the ſaid Company of Proprietors, or the ſaid Committee, in the Manner herein-before mentioned; and in caſe any Perſon or Perſons ſhall neglect or refuſe to pay the ſame at the Time and in the Manner 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 at *Weſtminſter*, with full Coſts of Suit.

Penalty on unqualified Perſons on board having Nets.

CXXXII. And be it further enacted, That if any Perſon or Perſons navigating or working, or being on board any Boat, Barge, or other Veſſel, upon the ſaid intended Canal, (not being qualified by Law to kill Game), ſhall carry on board ſuch Boat, Barge, or other Veſſel, any Fiſhing Net or other Engine for taking or deſtroying Fiſh or Game, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds; and in caſe any Maſter or other Perſon having the Command of any Boat, Barge, or other Veſſel, ſhall wilfully ſuffer or permit any Perſon or Perſons, not being qualified as aforeſaid, to have or carry on board any Fiſhing Net or other Engine for taking or deſtroying Fiſh or Game, he ſhall forfeit and pay for every ſuch Offence the Sum of Five Pounds.

Owners and Occupiers of Lands, may uſe Pleaſure and Huſbandry Boats free of Rates.

CXXXIII. Provided always, and be it further enacted, That it ſhall be lawful for the Owners and Occupiers of any Lands adjoining to the ſaid Canal aforeſaid, to uſe upon the ſame any Pleaſure Boat, or any Boat for the Purpoſe of Huſbandry, (except for Conveyance of Lime), and for conveying Cattle from any Farm or Land to any other Farm or Land of the ſame Owners or Occupiers, without the Interruption of the ſaid Company of Proprietors, or any Perſon acting under them, and without paying any Rate for the ſame, ſo as ſuch Boats be not above Five Feet in Breadth or Twelve Feet in Length, and do not paſs through any Lock to be made on the ſaid Canal, and be not employed in carrying any Goods, Wares, or Merchandize, for Market, Hire, or for Sale, or any Perſon or Perſons for Hire, and ſo as the ſame do not obſtruct or prejudice the Navigation of the ſaid Canal, or any Towing Paths on the Sides thereof, and ſo that the reſpective Owners of all ſuch Pleaſure or Huſbandry Boats ſhall in their own Lands make convenient Places for ſuch Boats to lie in, and ſhall not ſuffer the ſame to be moored upon the ſaid Canal.

No Preference in making Canal, to be given to either Line.

CXXXIV. Provided always, and be it enacted, That in the making and completing the ſaid Canal and Towing Paths, and the ſaid Rail or Carriage Ways or Stone Roads, the ſeveral Lines of the ſaid Canal, from *Mitford Bridge* to *Welton*, in the Pariſh of *Midſomer Norton*, and from *Mitford Bridge* to *High Littleton*, ſhall be fairly and impartially begun, completed, and finiſhed, at the ſame Time, or as near thereto, as the Difference of Diſtance and other Circumſtances will permit, ſo that no undue Preference ſhall be given to the Proprietors of any of the Coal Works on either of the ſaid Lines of the ſaid Canal; provided that the ſeveral Rail or Carriage Ways or Stone Roads to the ſaid ſeveral Collieries already marked or delineated on the ſaid Plan, ſhall be formed,

Rail Roads to be completed as ſoon as Canal is completed.

formed, made, completed, and finiſhed, as ſoon as the ſaid Canal ſhall be completed and finiſhed; provided the Owner or Owners, Proprietor or Proprietors, of the ſeveral Coal Works to which ſuch laſt-mentioned Rail or Carriage Ways or Stone Roads are intended to be made, do, within Twelve Months next after the paſſing this Act, come forward with and enter into ſuch Security to the ſaid Company of Proprietors, as herein before mentioned.

Fines to be recovered by Diſtreſs.

CXXXV. And be it further enacted, That all Fines, Penalties, and Forfeitures, inflicted by this Act, and which ſhall be inflicted by any Rule, Order, or Bye-Law, to be made in purſuance thereof, (of which, when produced, all Juſtices are hereby required to take Notice), the Manner of levying and recovering of which is not herein particularly directed, ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace for the County or Place wherein the Offence ſhall be committed or the Offender ſhall be or reſide; and ſuch Juſtice is hereby authorized to ſummon, hear, and examine Witneſſes upon Oath, and determine the ſame, and all ſuch Fines, Forfeitures, and Penalties, the Application whereof is not herein directed, ſhall be paid into the Hands of the Treaſurers to the ſaid Company of Proprietors, and ſhall be applied and diſpoſed of for the Uſe of the ſaid Undertaking, and to and for no other Uſe, Intent, or Purpoſe whatſoever.

In Default of Diſtreſs Offender to be committed.

CXXXVI. And be it further enacted, That for Want of ſufficient Diſtreſs whereby to levy any ſuch Fine, Penalty, or Forfeiture, as aforeſaid, it ſhall be lawful for ſuch Juſtice to commit ſuch Offender to the Houſe of Correction for the ſaid County, and there kept to hard Labour for any Time not exceeding Three Months, unleſs ſuch Fine, Penalty, or Forfeiture, and all Expences attending the Recovery thereof, ſhall be ſooner paid and ſatisfied, or unleſs ſuch Perſon ſhall enter into a Recognizance with ſufficient Surety to the Satisfaction of the ſaid Juſtice, to appeal to and appear at the next General Quarter Seſſions of the Peace to be held in and for the County where the Offence was committed, and to abide by the Determination of the Juſtices there.

Proprietors to appoint an Agent, on whom Writs, &c. may be ſerved.

CXXXVII. And, to the End that all and every Body Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, or other Perſon or Perſons who may have any Difference or Diſagreement with the ſaid Company of Proprietors, or may be deſirous to bring any Action or Actions, Suit or Suits, againſt the ſaid Company of Proprietors, may have an eaſy and effectual Means of doing and performing the ſeveral Acts aforeſaid; be it enacted, That the ſaid Company of Proprietors do, and ſhall, and they are hereby required within Forty Days from the Third Day of *June* next enſuing, to name and appoint an Agent to reſide within Twelve Miles of ſome Part of the ſaid Canal, upon whom all Writs or Proceſſes againſt the ſaid Company of Proprietors ſhall be ſerved, and that the Service of any Writ or Proceſs upon ſuch Agent ſhall be deemed good and ſufficient Notice and Service to and upon the ſaid Company of Proprietors, and ſhall entitle the Body Politick, Corporate, or Collegiate, Corporation Aggregate or Sole, and other Perſon and Perſons as aforeſaid, ſo ſerving, or cauſing the ſame to be ſo ſerved, to all and every Benefit, Advantage, and

and Effect, to be lawfully derived from the Service of such Writs or Processes, and the Acts of such Agent, in all and every the Matters aforesaid, shall be deemed and taken to be the Acts of the said Company of Proprietors; and in case of the Death or Removal of such Agent, the said Company of Proprietors shall, within Forty Days, nominate and appoint another Agent for the Purpose aforesaid, in the Place or Stead of the Agent so dying or removed, who shall reside within Twelve Miles of some Part of the said Canal as aforesaid; and the said Company of Proprietors shall, on the Appointment of every such Agent, give Notice thereof, and of the Name and Place of Residence of such Agent, in the several publick Newspapers, published as herein-before mentioned: Provided always, that nothing in this Act contained shall make it necessary, in Cases where the said Company of Proprietors shall have appeared to any Writ or Process issuing out of any Court of Law or Equity, to serve any Notice or Notices in the Course of the Action or Suit, grounded on such Writ or Process, upon such Agent so to be appointed as aforesaid; but that in all such Cases Notices may be served on the Attorney or Agent of the said Company of Proprietors, as in Actions and Suits in the ordinary Course of legal Proceedings.

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

Form of Conviction.

County of } '
(to wit.) } '

'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 said 'County of *(specifying the Offence and 'Time and Place when and where the same was committed)*. 'Given under my Hand and Seal the Day and Year afore- 'said.'

Persons taking a Distress irregularly, not to be deemed Trespassers *ab initio*.

CXXXIX. And be it further enacted, That where any Distress shall be made for any Sum or Sums of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on Account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings 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; and that no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere.

Proceedings not to be quashed for Want of Form.

CXL. Pro-

Appeal to the Quarter Seſſions.

CXL. Provided always, 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 the Order or Determination of any Juſtice or Juſtices of the Peace, in purſuance of this Act, may within Six Calendar Months after ſuch Order ſhall be made or given, firſt giving Twenty-one Days Notice of ſuch Complaint to the Perſon or Perſons againſt whom the ſame is intended to be made, complain to the Juſtices of the Peace at the General Quarter Seſſions, to be held in and for the County and Place where the Cauſe of Appeal ſhall ariſe, who ſhall in a ſummary Way either hear and determine ſuch Complaint at ſuch General Quarter Seſſions of the Peace, or, if they think proper, may adjourn the Hearing thereof to the next General Quarter Seſſions of the Peace to be held for the ſaid County or Place, and if they ſee Cauſe may mitigate any Forfeiture or Fine, and may order any Money to be returned, which ſhall have been levied in purſuance of any ſuch Rule, Bye-law, Order, or Determination, and ſhall and may alſo award ſuch further Satisfaction to be made to the Party injured as they ſhall judge reaſonable.

Limitation of Actions.

CXLI. And be it further enacted, That if any Action ſhall be brought or commenced againſt any Perſon or Perſons, for any Thing done in purſuance of this Act, or in Execution of the Powers and Authorities, or the Orders and Directions herein-before given and granted, every ſuch Action ſhall be brought or commenced within Six Calendar Months next after the Fact committed, or in caſe there ſhall be a Continuation of Damage, then within Six Calendar Months next after the doing or committing ſuch Damage ſhall ceaſe, and not afterwards, and ſhall be laid and brought in the County wherein the Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action ſhall

General Iſſue.

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 Action 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 the Jury ſhall find for the Defendant or Defendants, and in ſuch Caſe, or if the Plaintiff or Plaintiffs ſhall become non-ſuited, or ſuffer a Diſcontinuance of his or their Action, after the Defendant or Defendants ſhall have appeared thereto, or if the Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer, or otherwiſe, Judgement ſhall be given againſt the Plaintiff or Plaintiffs,

Treble Coſts.

the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for the Recovery of the ſame, as any Defendant hath for Coſts in other Caſes of Law.

Publick Act.

CXLII. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and other Perſons, without ſpecially pleading the ſame.

The SCHEDULE of Buildings to be taken down, and Gardens, Orchards, and Yards, to be cut through, referred to by the foregoing Act.

Where situated.	In what Parish.	No. of Reference on the Plan	Description.	Owners.	Occupiers.
Waterhouse -	Bradford -	6	Orchard and Garden	Robert Langley, Esq. and others	In Hand.
Ditto - -	Ditto - -	7	Cottage and Garden	Ditto - - -	Ditto.
Mitford -	Ditto - -	19	Barn and Shed and Farm Yard	Ditto - - -	Ditto.
Ditto - -	Ditto - -	20	Garden - -	Ditto - - -	William Amesbury.
Ditto - -	Charterhouse Hinton	1	Cottage and Garden	Mary Smith - -	Richard Whatley. John Edwards. George Swift. Samuel Marchant.
Ditto - -	Ditto - -	2	Malthouse and Yard	George Flower -	In Hand.
Ditto - -	Ditto - -	3	Garden - -	James Grant - -	James Osborne.
Combhay -	Combhay -	7	Orchard - -	W. Savin, Lifehold, under John Smith, Esq. -	John Savin.
Ditto - -	Ditto - -	13	Garden - -	John Smith, Esq. -	Edward Barnard.
Near the Bridge	Ditto - -	17	Orchard - -	Ditto - - -	Aaron Young.
Dunkerton -	Dunkerton -	3	Ditto - -	Benj. Weaver -	In Hand.
Ditto - -	Ditto - -	5	Garden and Orchard	Thomas Silcocks -	Thomas Cottle and Ruth Flower.
Ditto - -	Ditto - -	6	Orchard - -	Jacob Edghill, Esq.	James Leapyatt.
Near Ditto -	Ditto - -	8	Ditto - -	John Rossiter -	James Gulliford.
Dunkerton Mill	Ditto - -	11	Ditto - -	Peter Green -	In Hand.
Near Splot's Bridge	Ditto - -	15	Ditto - -	Mayor, Aldermen, and Corporation of the City of Bath	John Cox.
Near New Bridge	Ditto - -	19	Ditto - -	Anthony Dando -	James Hall.
Near Hopyard	Ditto - -	30	Ditto - -	James Dando -	James Dando, jun.
Hopyard -	Ditto - -	32	Garden and Orchard	Aaron Gullock -	In Hand.
Camerton lower Coalwork	Camerton -	3	Coal Barton -	James Stephens, Esq.	Stephens and Co.
Upper Ditto -	Ditto - -	7	Ditto - -	Ditto - - -	Ditto.
Durcot -	Ditto - -	10	Stable and Garden	Ditto - - -	William Gullock.
Ditto - -	Ditto - -	11	Garden - -	Ditto - - -	James Purnell.
Ditto - -	Ditto - -	13	Ditto - -	Daniel Rossiter -	Thomas Pearce.
Ditto - -	Ditto - -	14	Orchard - -	James Stephens, Esq.	Benjamin Emery.
Near Radford Bridge	Ditto - -	16	Garden - -	Aaron Gullock -	William Gullock.
Near Hinton Bridge	Wellow -	20	Cottage and Garden	Joseph Hobbs -	In Hand.
Piglinch Farm	Ditto - -	57	Orchard - -	Walter Long, Esq. -	James Oxenham.
Radstock -	Radstock -	12	Garden - -	Sarah Lansdown -	Josiah Savage.
Near Radstock	Ditto - -	18	Orchard - -	Thomas Sims -	In Hand.

Rail Road to Radford *Coalwork.*

Radford -	Midsomer Norton	b	Orchard - -	Robert Langford -	In Hand.
Ditto - -	Paulton -	c	Ditto - -	Rev. James Biggs -	Ditto.

Where situated.	In what Parish.	No. of Reference on the Plan.	Description.	Owners.	Occupiers.
Rail Roads to Britton's *and* Salisbury's *Coalworks.*					
Britton's lower Coalwork	Paulton	f	Coal Barton	John Maggs	John James and Co.
Near Ditto	Ditto	g	Garden	Joseph Hill, Esq.	Ditto.
Britton's middle Coalwork	Ditto	h	Coal Barton	Ditto	Ditto.
Near Ditto	Ditto	i	Garden	Ann Harris	Ditto.
Ditto	Ditto	q	Ditto	Thomas Randall	James Gregory.
Near Salisbury's Coalwork	Ditto	w	Orchard	Thomas Randall and John James in Trust	Thomas Bury, Esq. and others.
Rail Roads to Timsbury *Coalworks.*					
Timsbury Bottom	Timsbury	e	Orchard	William Crang	Joseph Mandrill.
Ditto	Ditto	f	Garden	Ditto	Joseph Mandrill and John Bridges.
Ditto	Ditto	g	Orchard	Mary Smith	William Sage.
Ditto	Ditto	h	Garden	Ditto	Ditto.
Ditto	Ditto	i	Orchard	William Savage	John Marchant.
Ditto	Ditto	m	Garden	William Crang	James Maggs.
Ditto	Ditto	n	Ditto	Ditto	George Sperring.
Ditto	Ditto	q	Ditto	Joseph Evans	In Hand.
Tyning Coalwork	Ditto	u	Coal Barton	William Crang	Mogg, Crang, and Co.
Rail Road to Clutton *Coalworks.*					
Rotcomb Coalwork	High Littleton	h	Coal Barton	Jacob Mogg, Esq.	Mogg, and Co.
High Littleton	Ditto	a	Garden	Nath. Young	In Hand.
Ditto	Ditto	b	Ditto	Lady Jones	James Salmon.
Rail Roads to Radstock *Coalworks.*					
Radstock	Radstock	a	Garden	Trustees of Lord Waldegrave	George Sims.
Ditto	Ditto	b	Ditto	Sarah Lansdown	John Cottle. Simon Cottle. Stephen Cottle. James Weeks.
Ditto	Ditto	e	Ditto	John James and Co.	John Vale. Charles Gullock.
Ditto	Ditto	–	Street	–	
Ditto	Ditto	d	Barn	Benjamin Sims	In Hand.
Rail Road to Clandown *new Coalwork.*					
Radstock upper Coalwork	Radstock	a	Coal Barton	Trustees of Lord Waldegrave	John James and Co.

FINIS.